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**SOUTHCENTRAL ALASKA SUBSISTENCE REGIONAL ADVISORY COUNCIL
PUBLIC MEETING
KUSKOKWIM BALL ROOM, SHERATON ANCHORAGE HOTEL
ANCHORAGE, ALASKA**

JULY 12, 1995, 8:00 A.M.

BOARD MEMBERS:

- ~~MR~~ ROY EWAN
~~MR~~. LEE BASNAR
~~MR~~. FRED JOHN, JR.
~~MR~~. BEN ROMIG
~~MR~~. GARY OSKOLKOFF

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P R O C E E D I N G S

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3 MR. EWAN: All right. Can you hear me? I'll call the
4 Southcentral Alaska Subsistence Regional Advisory Council
5 meeting to order. We'll have roll call. Helga?
6
7 MS. EAKON: Roy Ewan?
8
9 MR. EWAN: Here.
10
11 MS. EAKON: Lee Basnar?
12
13 MR. BASNAR: Here.
14
15 MS. EAKON: Robert Henrich (ph)? Fred John, Jr.?
16
17 MR. JOHN: Here.
18
19 MS. EAKON: Gary Oskolkoff?
20
21 MR. OSKOLKOFF: Here.
22
23 MS. EAKON: Ben Romig?
24
25 MR. ROMIG: Here.
26
27 MS. EAKON: Jeff Loshe? A quorum is hereby
28 established.
29
30 MR. EWAN: Thank you. The next item on our agenda is a
31 review of our agenda. Any additions or comments on the agenda?
32
33 On Item D, we'll have -- under review, other comments,
34 you can add -- if it's not written on yours, Dick Marshall and
35 the written comment followed by "the team". Yes, Lee?
36
37 MR. BASNAR: Mr. Chairman, I move we adopt the agenda.
38
39 MR. EWAN: There's a motion to adopt the agenda. Is
40 there a second?
41
42 MR. OSKOLKOFF: Second
43
44 MR. EWAN: The motion is seconded. Any discussion on
45 the motion? If not, all in favor say aye?
46
47 IN UNISON: Aye.
48
49 MR. EWAN: Opposed by the same sign. Motion is
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carried.

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3 We'll get into the of public comments. I don't know
the order that we want to go here. Helga?

5

6 MR. MARSHALL: Mr. Chairman, what I'll do, I'll go over
the -- a summary of the written and telephonic comments we've
received since March. The comment period ended on the 10th.
So that comment period is closed. That will not include the
comments that were provided by the public during the public
comment -- during the public meetings. Just the written and
telephonic comments. And I believe you have a copy of this
before you.

14

15 I would point out that while the comments were
overwhelmingly opposed to the proposed rule, this was not
intended to be a poll. And the substance of those comments are
really what's important. So I urge all of you to read
carefully the actual comments that have been provided for you.
Because there is considerable substance in some of those
comments on both sides of the issue. But I will quickly try to
categorize these. Many of these comments did not address the
specifics of the two proposals before them, but rather
addressed the Federal Subsistence Management Program in
general. And I will not try to place those into categories.

26

27 Probably the most common theme was that the rural
preference itself, and of course the rural preference was not
part of the proposed rule. But most of them -- of the comments
were. And as I mentioned, not on the proposed rule but on the
program itself. But a lot of the theme was that the program
and the rural preference, in particular, is divisive. It pits
neighbor against neighbor, community against community. Haves
versus have-nots. That theme was a very, very common theme.
In fact, the most common of all of them.

36

37 The point was made by many people that uses of fish and
game are no different among the communities on the Kenai
Peninsula, at least on the road system. That the entire Kenai
Peninsula has become fully integrated over time and it's --
either it's all rural or it's all non-rural, but it's all the
same. Repeated references to both the U.S. Constitution and
the -- that declares all men equal, in these days I probably
should say women as well. But also reference to the State
Constitution.

46

47 Comments to the fact that it's unreasonable in this day
and age to attempt to preserve a subsistence life style in the
faces of the new technology and the changes in Alaska.

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Reference to Title VIII creating second class citizens. Several comments that the rural preference is in reality a racial issue and that people of all races should be treated the same. Comments that subsistence should be based on need, not residency. I'd point out that the courts have judged otherwise.

Rural residents already have an advantage because they live where the game is. They're able to observe it prior to the season and therefore they already have a priority. Or a preference. Subsistence users should be required to use only additional methods to access and take game. The entire Kenai Peninsula should be considered non-rural. Most of the comments went to non-rural rather than the rural. But in many cases they made exceptions for Port Graham, and in some cases, for any community off the road system.

The non-rural boundaries are arbitrary where they're drawn on the map. That management of fish and game is a responsibility of the state of Alaska, not the Federal Government. Many comments to the effect that adequate opportunities to take game exist under current regulations and there's no need to give some Peninsula residents an advantage over others. References that people with jobs who are receiving government assistance, or who are receiving government assistance are not leading true subsistence lifestyles.

Several comments that the Federal Government does not have the capability to enforce subsistence regulations and that non-eligible residents will hunt during subsistence seasons, sometimes just as a form of protest. And that the Federal Government is forcing people to break the law. A number of comments that Council recommendations on C&T eligibility lack credibility and were based on insufficient evidence.

Many, many comments that the Federal Subsistence Board should defer the decision until more evidence is presented.

And I know this Council has been dealing with this issue, has to do with residency and fears that people who are not true residents of an eligible community would establish a bogus residency in that community. And I know I've heard this Council speak to that. Reference to the membership to this Council and other councils that do not represent a cross-section of the areas they're supposed to represent.

Many comments that the state management strategies for those have been successful in restoring healthy populations and

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that federal management is likely to undo that. Many comments that the purpose of the Kenai Refuge do not include subsistence But do include recreation.

4

5 A reference to Section 802 and a feeling that the proposed moose hunt is not in accordance with recognized scientific principals. Comments that the economic impacts of the proposed rule have not been analyzed. There was some -- on the part of many people who spoke against people hunting under similar regulations, there were a number that did make concession for cultural considerations.

12

13 This one -- I've heard this Council discuss this issue. opening the moose season as early as August 10 will result in waste because of the heat and flies, other insects. A few reference to keeping federal subsistence regulations as close to existing state regulations as possible in order to give the state some more time to enact a fair subsistence law under their own authority.

20

21 And finally, in the comments in opposition, that a number of lifestyles of many non-rural residents would be placed in jeopardy with a subsistence priority.

24

25 There were some very, very, I think, articulate comments in favor of the proposed rule. And again, there's not 27 I only have about six categories here. But again, I urge you to read those comments. There's some good ones in there.

29

30 Congress understood that it was acting to preserve a culture and a traditional way of life when it enacted Title VII. That indigenous people have the right to fish and hunt as their ancestors did. That the adverse impact of a subsistence moose hunt on the Kenai upon non-subsistence hunters has been over-stated. Reference, which I don't know where they got this statistic, but there were several letters that spoke to Native people taking only 3 percent of the state harvest. And the need to give them back a little of what is already theirs. That Alaska Natives have been pushed into a lifestyle not of their choice, and specifically on the hope that there are few jobs available there and residence should be given a priority.

43

44 That was general categories of the comments from the public. That is not -- does not include any agency comments, just the public. There were -- there was also, as you may be aware, a petition circulated -- by the way, these public comments would number somewhere about 150. We haven't made a count. You'll notice when you look through your comments

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there's some duplicates in there. And that's why we haven't made the count complete yet. But I would guesstimate it's about 150 written comments from the public.

4

5 There was also -- you're probably aware of a petition that was circulated and signed by maybe 1,800, or so, Kenai residents. There was a resolution by the Kenai Chamber of Commerce. And of course there was a resolution by the State House and Senate.

10

11 I've left on one out because it is an agency comment that we've received. And that's one from ADF&G. And I think you've got a copy of that. But basically the ADF&G comments were to take no action on the proposals, but rather to impose a moratorium on regulations effecting the Kenai Peninsula until the Board can take certain actions.

17

18 Those actions were to reconsider the rural, non-rural determinations; to evaluate the procedures for making customary and traditional use determinations; to develop a better system of communications with those effected by the federal program. And specifically their comment with respect to the moose harvest was that the Department felt that the current state seasons provided sufficient opportunities to harvest moose for subsistence purposes.

26

27 And that's a brief summary of the written comments. I think it's noteworthy to note that since I've been in the business of working with the Fish & Wildlife Service, we have public comments on many, many things. And this represented a very, very large reaction to something that the federal agencies were proposing to do. So it's important to a lot of people.

34

35 Are there any questions about the written or telephonic comments?

37

38 MR. EWAN: Any questions. If not then we'll move to -- Helga?

40

41 MS. EAKON: By way of introduction, our -- the anthropologist on our team, Rachel Mason, is on leave. And we want to thank Helen Armstrong for substituting for her this morning. Helen is going to start off with the public comments from the first three villages we went to, namely Seldovia, Port Graham, Hope, followed by myself with the comments from Cooper Landing and Soldotna. And then followed by Robert Willis with the last three places that we got public comments from.

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1 Helen?

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3 MS. ARMSTRONG: Thank you. Mr. Chair, members of the
 Council. The first meeting we went to was in Seldovia. And we
 had a relatively good turn out there. There was 17 non-agency
 people who signed in. Ten of those people testified. And of
 all of the people who testified, only one person spoke out
 against the proposed rule.

9

10 The comments generally fell into some general themes.
 The person who spoke out against the proposed rule talked about
 constitutional rights. That the proposal violates equal
 opportunity for all residents and that no one should have a
 priority over any other person. There were comments that
 subsistence needs aren't being met. Specifically that they
 would like to have C&T for brown bear in Unit 15C. They also
 asked for a quota of one to two moose per year. They also felt
 that there were not enough moose in the area.

19

20 There were some concerns that the seasons were wrong.
 That starting the moose hunt from August 10th and having it go
 to September 20th was too early because rural people are
 working then. That September 1st to October 10th was a better
 time for them. There was even mention that they would prefer a
 skinny moose in February versus a fat moose in August, because
 they couldn't get that fat moose in August. There were
 comments concerning the -- noting that it was too controversial
 between rural and non-rural residents. That -- as Dick was
 mentioning, this dividing people and splitting neighbor against
 neighbor. This comments came out in Seldovia as well.

31

32 People liked the idea of a subsistence hunt, but felt
 that Homer, Anchor Point, Kasilof, Soldotna, Kenai, Sterling,
 Nikiski, and Seward, should also be included as subsistence
 users. There was mention of removing the antler restriction.
 Some comments about the importance of subsistence generally.
 Noting also that they have it tougher down there than people on
 the highway. Some comments about the fact that moose haven't
 been as available in the last 15 years and that they've -- the
 population needs to be built up. There were some comments
 concerning the fact that locals should be regulating their own
 subsistence resources and it shouldn't be coming out of
 Washington, D.C. or Juneau.

44

45 Then there were a number of comments supporting the
 opportunity to hunt moose in Unit 15B and 15C. Some one man
 noting that his father had traditionally hunted in those areas.
 There was a 20 year resident of Seldovia said his father
 hunted the Peninsula in the early '50s.

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2 Then there was a comment that somebody who, at a
3 previous meeting, had testified that Seldovians didn't hunt
4 moose, bears, goats in Unit 7. That there's -- this person's
5 name was Chris Grande, and no one there knew who this person
6 was. And said that they were concerned that someone could come
7 and testify, stating something that wasn't true. And who knows
8 whether this guy lived there a long time ago or what. But
9 there was some concern about that.

10
11 There was support for having a rural preference and
12 some comments about subsistence, including family and their
13 sharing of the subsistence resources.

14
15 The next meeting we went to on June 8th was Port
16 Graham. There were 13 people who signed in, four people
17 testified, and no one was against the proposal. This was -- a
18 lot of the discussion at this meeting was not as much testimony
19 as it was just some discussion and information gathering. But
20 there were some people who made specific comments.

21
22 They talked about the historic and present day hunting
23 areas. There are people who go up to the head of Katchemak Bay
24 to go moose hunting. There are some people who go up to the
25 area around Homer. Goat and sheep are hunted within the areas.
26 Under state regulation they travel long distances to get
27 caribou. They don't know of anybody who's ever hunted brown
28 bear except for the old people.

29
30 There was a Nanwalek resident there who testified that
31 more than 20 years ago people from Nanwalek traveled up to the
32 Kenai area around Skilak Lake. And there were just some
33 questions and answers along that. People wanted to know if
34 they could hunt -- subsistence hunt or fish in the Kenai Fjords
35 Park. And had some concerns about whether or not it would be a
36 permit hunt.

37
38 There was some clarification of the state and the
39 federal system of managing subsistence. There were a number of
40 comments in support of the proposal. They felt that it was
41 extremely important that they have the opportunity to hunt.
42 They don't have moose much. They have brown and black bear
43 occasionally, some sheep or goat. They're limited to two moose
44 in the area, which they felt was insufficient. They felt that
45 they should be eligible to hunt, not only in 15B and C, but
46 also in 15A.

47
48 The village chief of Port Graham noted that people had
49 gone to Ninilchik to go moose hunting. People have used the
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traditional -- have harvested traditional foods from Fox River and Katchemak Bay Valley, and Clam Gulch in Kenai areas. They would also like to have the right to subsist on corporation lands with Kenai Fjords.

5

6 The next meeting was in Hope on June 15th. And in Hope we had 15 people who signed in, eight who testified. They are all opposed to the proposal. I would like to note that there was one letter that came in from someone in Hope who didn't want to testify because he was fearful he wasn't in support of this proposal, but I think there was enough -- there was just fear about expressing that opinion at that meeting.

13

14 The comments in Hope generally were around the theme of people being concerned about recreation being impacted if there was subsistence hunting. That there would be an increased risk to hikers, bikers and skiers. That the residents in Hope enjoy local wildlife for seeing, not for hunting. The people in Hope do not feel that -- at this meeting, felt that they're not a rural community. That they have a heavy dependence on cash income and they're close to Anchorage. They also noted that no one in Hope survives on traditional uses of sheep, goat, black bear or moose. They felt that having a subsistence hunt would threaten the areas tourism, and would be a burden on the existing resources. And then there were some concerns that people would be -- that local employment would be harmed by subsistence uses.

28

29 That concludes my summary of those three public meetings. And then Helga will do

31

32 MR. EWAN: Okay. Thank you, Helga.

33

34 MS. EAKON: Yes. Mr. Chair, members of the Council. At the June 16th meeting at Cooper Landing, a total of 50 people signed in, of which 10 of the 50 testified. On the theme of rural versus non-rural, two people commented that Cooper Landing was not rural. One person commented that some Kenai Peninsula communities should have been classified as rural. And he thought those should be Moose Pass, Clam Gulch, Anchor Point, and Fritz Creek. Two people testified that Seward should be also classified as rural.

43

44 On the theme of economic concerns, one person commented that positive C&T determinations for fisheries would destroy Cooper Landing's economy. He felt that if the proposed regulations go through, fisheries regulations will soon follow.

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49 There was an individual who felt that an economic study

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should be done on the potential effects of federal subsistence use on the Kenai Peninsula. Another person thought that subsistence is a threat to the state's economy.

4

5 On the theme of customary and traditional concerns, two people thought that everyone in Alaska should be considered a customary and traditional subsistence user. One person favored C&T for Cooper Landing. Three people didn't want special privileges based on where people lived. And another thought that that privilege should be based on need. Another person thought that the cost of hunting between Skilak Loop and Tustumena Lake makes it unreasonable to be called a subsistence hunt. Another person testified that sheep should not be considered a subsistence species because it is too much effort for the returning harvest.

16

17 There were a couple -- two or three comments on the public process. The noteworthy one being that recommendations were not based on substantial evidence. On wildlife resource concerns, two commenters said that the proposed moose hunt would curtail sport hunting. One person said that the hunt is not needed, and the others thought that it's going to result in great spoilage. One person supported antler restrictions. And another person said that the later start would be better for antler size identification.

26

27 And other concerns at this meeting, a person testified that subsistence should be abolished. And finally another person said that subsistence makes sense in Nanwalek but not in Cooper Landing, Ninilchik or Hope.

31

32 Moving on to the meetings held in Soldotna on June 30th, a total of 219 people signed in for the afternoon and evening meetings, of which a total of 64 people testified. Three testifiers said that they will move to a community in a rural area to take advantage of the hunt, or make false claims. This is unfair to Alaskans. Seventeen commenters stated that the proposals go against equal rights. Twelve people thanked the Board for holding the meetings. One person said that he simply couldn't take time off from work to hunt. Three people stated that if it were not for the sport hunters, there would be no huntable populations of game. Sixteen people commented that there is no true subsistence on the Kenai Peninsula. Nineteen individuals testified that the Kenai Peninsula people have their own customary and traditional backgrounds.

46

47 One person said that other regulations governing other species would follow if the proposed regulations went through. Eight people said that the game populations are adequate right

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how. Nine people said that the Kenai Peninsula is not a rural area. Three persons said that only Port Graham and Nanwalek should qualify for subsistence. Twenty-four persons said please don't go through with the proposals. Two commenters questioned the arbitrary boundaries between rural and non-rural on the road connected portions of the Kenai Peninsula. Twelve people said that ANILCA has to be amended.

8

9 There was a newly formed organization, the Kenai Peninsula Outdoor Sportsmen's Coalition whose spokesman stated that their goal is to remove subsistence from the Kenai Peninsula, excluding the villages of Nanwalek and Port Graham. The organization would like Congress and the State to exempt the Kenai Peninsula from subsistence use as non-rural. And they believed that the determinations are flawed.

16

17 Two testifiers said that some residents are not here to testify because they're either working or they're not used to public speaking. One person said that the rural preference belongs in the rural area. Thirteen individuals stated that this will divide up the communities on the Peninsula. Five people testified that subsistence is not a purpose of the Kenai National Wildlife Refuge. Fifteen person said that the recommendations of the Regional Council are flawed. Two said that there's no need for subsistence in Alaska.

26

27 One commenter said that some Native peoples with long time customary and traditional uses on the Kenai Peninsula will be unfairly excluded. Seventeen testifiers stated that the definition of rural is flawed. One said that the proposals are outside the scope of the federal government's authority. Five testifiers spoke to the potential of great economic impacts of the proposals on the communities and the people. Twenty people spoke against federal management. Eight people said that the public is against the proposals. Thirteen said that the C&T determination studies are flawed. And three testifiers said that sports hunters pay for management. Six people testified that people are deliberately break the law if these proposals go through. And finally, several people wanted the next Board meeting to take place on the Kenai Peninsula.

41

42 MR. EWAN: We have a question or comment?

43

44 MR. BASNAR: Yes, Mr. Chairman. This newly formed organization, what did you call it? The

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47 MS. EAKON: Kenai Peninsula Outdoor Coalition.

48

49 MR. BASNAR: How many members are in this coalition?

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2 MS. EAKON: We do have someone here who is going to
3 testify, maybe he can answer that question when he testifies.
4 Mr. Les Palmer. He has signed up to testify.

5
6 MR. EWAN: Okay. Thank you, Helga. Robert?

7
8 MR. WILLIS: I'll summarize the Homer and Ninilchik and
9 Anchorage meeting. Total attendance at the Homer meeting was
10 52. And that figure may differ by a few from what you might
11 have seen or have in front of you. But I subtracted the Agency
12 personnel, who also signed in, rather than counting them as
13 being a public attendance.

14
15 Out of those 52, 14 persons attended the afternoon open
16 house and 38 came to the formal evening session. All but two
17 persons were from the Homer, Fritz Creek, Anchor Point area.
18 We had 23 persons testify. All were opposed to a subsistence
19 priority for any community on the Kenai Peninsula road system.

20
21 This included -- the people testifying included people
22 who live outside of Homer, as well as those in the City. There
23 were about -- of the people from the Homer area who testified,
24 about half were from Homer itself, and about half are from the
25 Fritz Creek west end road area, which is considered part of the
26 Homer rural area.

27
28 Many of the speakers expressed support for a
29 subsistence priority for Port Graham and Nanwalek, as well as
30 for other Bush communities in other parts of the state. That's
31 probably significant to note that Seldovia was not considered
32 the same light as Nanwalek and Port Graham. And that seemed
33 to be because Seldovia is mostly composed of very recent
34 residents who are not as heavily dependent or as tied -- deeply
35 tied to the subsistence lifestyle as the residents of Nanwalek
36 and Port Graham.

37
38 The main themes in the testimony were that the rural,
39 non-rural designations don't make sense. That everyone on the
40 road system is non-rural. They have the same options and the
41 same opportunities, and that no one need special privileges.
42 They stated that creating a subsistence priority on the
43 Peninsula would pit neighbor against neighbor and divide the
44 community.

45
46 Another theme was that the existing seasons and bag
47 limits provide plenty of opportunity for anyone -- to harvest
48 game and fish, for anyone who's willing to go out and work at
49 it.

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2 Others testified that the customary and traditional use
determinations were not based on any real evidence.
Enforcement would be impossible since the public doesn't
support the proposal. There aren't enough law enforcement
agents to enforce the regulations that are in place now, and
there's likely to be violence if there is an attempt made to
enforce these regulations.

9
10 The proposal is unfair, unconstitutional, and would
tear families apart and destroy friendships.

12
13 Moving on to Ninilchik, we had a total of 37 persons
attend the two meetings that were held there. We had two
meetings set up. One in the morning at the request of the
Ninilchik Traditional Council, however, only one member showed
up. There were a total of five people for that morning session
and 32 at the evening session.

19
20 The person -- the two people who testified at the
morning meeting, one was Gary's father, Gerasim Oskolkoff. His
testimony is listed as being in favor of the proposed
subsistence priority, but he was somewhat non-committal at the
meeting and started off by saying that if he had known how much
disturbance it was going to cause he never would have supported
it. He went on to say that he didn't want to fight with his
neighbors, but since it was started he would have to take it as
it comes.

29
30 The other person who testified in the morning was also
a Ninilchik resident and was opposed to the subsistence
priority for Ninilchik or any other community on the road
system.

34
35 At the evening session we had 32 persons in attendance.
The majority were from Ninilchik, Clam Gulch, and Kasilof,
with three from Soldotna, three from Sterling, and one each
from Moose Pass and Anchor Point. Thirteen people testified at
the evening session. Eleven were in opposition and two were in
favor.

41
42 The main themes in the testimony in opposition were,
they opposed any type of subsistence for communities on the
Kenai road system. The rural, non-rural designations were
arbitrary and made no sense. People on both sides of the line
have been here for several generations, feed their families on
game and fish, and teach their children to hunt, fish, trap,
and respect the land. Several people testified that children
from Kasilof, which is designated as a non-rural area, have to

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go to Ninilchik, which is designated as a rural area, to go to High school. This was used as an example of the -- of the Rural, non-rural problem.

4

5 The communities lumped in with Soldotna and Kenai say that they get no services from those communities, and should not be lumped with them. And the whole program is based on false assumptions and should be reviewed by the Federal Subsistence Board.

10

11 Another theme was that there is no documentation other than hearsay for the customary and traditional use determinations. There are plenty of moose and plenty of opportunity under the existing state regulations for anyone willing to hunt. Almost everyone testified that the proposal would pit neighbor against neighbor, friend against friend, and families against each other. They felt that no one on the road system was a true subsistence user. The Kenai Peninsula doesn't fit the requirements of Section 801(2) of ANILCA. That is, people on the Kenai do have alternative means of getting food.

22

23 A couple of people felt that the proposal would have serious economic impacts to everyone on the Peninsula, both subsistence, those designated rural and those designated non-rural. There was repeated concern that law enforcement would be a serious problem.

28

29 The two persons testifying in favor of the proposal were Gary and his sister, Debra. Their testimony mainly addressed Native culture rights rather than rights of rural versus non-rural residents. They stated that a subsistence priority was necessary to prevent the loss of their culture. That Native people were dying from eating white man's food. And that the land doesn't belong to the white man but rather to the Indians and Alaska Natives.

37

38 Before I go on to the Anchorage meeting I probably should sum up the -- it was a little bit different in Anchorage. A little bit more board testimony. And the testimony on the Kenai on the road system had a very strong vein running through it. It was all very similar in that people felt like they lived together, worked together, hunted together, and went to church together, and sent their children to school together, they all feed their families on game and fish, but they all felt like they did have alternative resources and therefore didn't consider themselves subsistence users.

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1 The exception, again, was Nanwalek and Port Graham,
2 repeatedly pointed out as being subsistence communities.
3 Seldovia was not seen in the same light.

4

5 Going on to the Anchorage meeting, we had only one
6 meeting in Anchorage. We had 20 persons in attendance. And
7 they were from Anchorage, Palmer, Wasilla, Eagle River and
8 Birdwood. Five persons testified, all were opposed to the
9 proposal.

10

11 The testimony there was rather broad, as I said. The
12 concerns expressed were about future subsistence seasons on
13 other species on the Kenai and the effect it would have on both
14 the wildlife populations and non-subsistence hunters. There
15 was a concern expressed about the lack of representation of
16 non-rural areas on the Regional Council. That passage of these
17 proposals would result in the displacement of thousands of
18 hunters on to other lands in the state, non-federal lands. And
19 that the public is losing respect for regulations, in general,
20 because these current regulations don't make sense. And this
21 was considered to be a threat to overall wildlife management in
22 the state.

23

24 One person testified to the effect that under Title III
25 ANILCA, the Kenai National Wildlife Refuge is the one refuge
26 Alaska for which subsistence is not a purpose, and for which
27 recreational hunting is a purpose.

28

29 I believe that concludes the public comments at the
30 meetings.

31

32 MR. EWAN: All right. Thank you. Any questions or
33 comments? I do have one question of any one of you. And that
34, I notice in some of the letters, and maybe the public
35 testimony record, that there is a lot of talk about way of life
36 being disturbed or in jeopardy by these people that oppose the
37 proposed regulations. But there's no back up information
38 explaining what is happening here.

39

40 MR. WILLIS: Well, I think the concern there is that
41 under a subsistence priority for some communities, the Kenai
42 National Wildlife Refuge would eventually be closed to non-
43 subsistence users, which would displace several thousand people
44 who now hunt in that area. They would be compressed on to
45 approximately 30 percent of the Peninsula, which is not federal
46 land. And a portion of that also is tribal lands and
47 corporation lands which are closed to hunting by non-members.

48

49 MS. EAKON: I think a real common thread that wove

50

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itself around these meetings in various emotional terms was feelings of residents of the non-rural communities who feel excluded and resentful and hurt that just a handful of communities on the Peninsula would be eligible under the determinations, and also for the moose hunt.

6

7 MR. EWAN: Was there concern about the impact on the game? Was that one of their concerns?

9

10 MR. WILLIS: I don't recall anyone being concerned that this particular hunting season, or scenario, would have a negative impact other than some specifics like they were concerned about the loss of meat from flies and heat for hunting early in the year. There was some concern expressed that trying to determine antler configuration while the bulls are still in velvet early in August would be a problem. This is something that occurs occasionally, even with the season opening on August 20th. It is something to consider but it's something that's also impossible to measure.

20

21 It's difficult to recall all the testimony from all the hundreds of people, Roy. But I don't recall a general theme of concern. It was more that hunting would be displaced and people who now hunt together who live on -- in a rural area and have their hunting partners in a non-rural area who happen to live on the other side of the line, would not be able to hunt together. This was the general theme.

28

29 MR. EWAN: Okay. Thank you. Kind of hard then to understand what the intent of the letter or the testimony is. When it says things like would indeed place my entire way of life in jeopardy, you know. What does that mean? You know, what does that mean?

34

35 MR. WILLIS: Again, I think that they were concerned that hunting would eventually be limited to only a few people and not -- and the majority would be shut out. And the concern goes beyond the moose season. There was no proposal to exclude the non-subsistence, or the non-rural users down here from the moose season. But because the populations of caribou and sheep, brown bear and southern goat, and so forth, are more limited, those would be dealt with next year. And there -- you know, there may well be insufficient animals in those populations to allow both non-subsistence and subsistence hunting.

46

47 MR. EWAN: Are there any other comments from the Council members? Questions? If not, thank you very much.

49

50

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1 I'll open the floor for public comments. I'll start in
 2 the order that I received these. Is there a Les Palmer here?

3

4 MR. PALMER: Yes.

5

6 MR. EWAN: Come on up and state your name and give your
 7 testimony.

8

9 MR. PALMER: Sit here?

10

11 MR. EWAN: Yes.

12

13 MR. PALMER: I signed in to testify for myself, but I
 14 understand that Board Member Basner had a question for me.
 15 Would you like me to address that first?

16

17 I'm a member of the Kenai Peninsula Outdoor Coalition.

18

19 MR. EWAN: Okay, you want to answer Lee's question, go
 20 ahead and do that.

21

22 MR. PALMER: I don't recall the question. Would he
 23 restate it?

24

25 MR. BASNER: Yeah. My question was, this newly formed
 26 coalition: How many members are in this? Would you give me
 27 the official title again? And I'll write it down.

28

29 MR. PALMER: It's the Kenai Peninsula Outdoor
 30 Coalition.

31

32 MR. BASNER: Okay. And how many members?

33

34 MR. PALMER: I have a question first that -- am I to
 35 understand you never heard of our organization?

36

37 MR. BASNER: I'd like an answer to my question.
 38 Whether I've heard of it or not, I'd like to know how many
 39 people belong to it.

40

41 MR. PALMER: I don't know exactly. If you're not going
 42 to answer my question, I almost hesitate to answer yours. I
 43 don't have a number of the people in our -- in our
 44 organization, but I fear that you may never have heard of our
 45 organization. We have several groups in our organization, and
 46 that's why I don't have the number.

47

48 Our organization includes United Cook Inlet Drift
 49 Association, which has several hundred members; Kenai River

50

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Guides Association, which has well over a hundred active members; Safari Club International, which has, I think, on the order of 40 or 50 in the Soldotna Chapter; Caribou Hills Cabin Hoppers (ph) Association, I don't have any idea how many are in that organization, but I think well over a hundred; Kenai Trappers Association, a fairly small organization, maybe 25 at present; Alaska Bowhunters Association, which is part of the Barger Alaska Bowhunters Association, which is also highly concerned with these regulations, there's several hundred members on the Kenai Peninsula. That's as close as I can come to a number.

12

13 Have you ever heard of our organization, Mr. Basner?
14 I'd like to know, really.

15

16 MR. BASNER: Yes, I've certainly heard of your
17 organization, Mr. Palmer.

18

19 MR. PALMER: Thank you.

20

21 MR. BASNER: I don't see what that bearing had to do
22 with the answer to my question, however.

23

24 MR. PALMER: The reason I asked that, I'd like to
25 testify for myself, and thank you for allowing me to do so. I
26 didn't think we would have another chance. And I'm not sure
27 what it makes any difference that we do.

28

29 But anyway, I noted -- I saw a copy of the draft of the
30 log, inch thick book that I call a book of not only no but hell
31 no. Anyway, I saw that and I saw in there where although the
32 meetings in Soldotna -- the seven meetings held on the
33 Peninsula, I should say, and the one meeting in Anchorage, had
34 taken place sometime before -- the transcription hadn't been
35 made and the book didn't contain our testimony. And from that
36 I gather that we were talking to Mitch Dimentieff, and none of
37 you have the foggiest idea of what happened in these meetings.
38 We didn't have the pleasure of your company in Soldotna. 260
39 We showed up. We were angry, we were threatened; we're
40 still angry and threatened.

41

42 Mr. Romig, Mr. Oskolkoff, neither one of those paid the
43 courtesy of showing up. We've had nothing but disdain from
44 this particular council, and I guess I'm glad I'm the first one
45 to testify. I want to be right up front about this, the people
46 of the Kenai Peninsula hold this council and the Federal
47 Subsistence Board in disdain. We feel your disdain, you should
48 feel ours. You've shown contempt for us, we'll show contempt
49 for you.

50

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1
2 Thank you.
3
4 MR. EWAN: Could we ask you questions?
5
6 MR. PALMER: Yeah.
7
8 MR. EWAN: What is it in particular that you oppose?
9 You didn't mention any particular thing that you oppose, you
10 just generally said disdain.
11
12 MR. PALMER: Mr. Chairman,
13
14 MR. EWAN: That's a broad statement.
15
16 MR. PALMER: Mr. Chairman, I have spent many, many
17 sleepless nights
18
19 MR. EWAN: The proposed regulations, is that what
20 you're opposing, the moose hunt?
21
22 MR. PALMER: Yes.
23
24 MR. EWAN: (Indiscernible - simultaneous speech).
25
26 MR. PALMER: I oppose
27
28 MR. EWAN: those two things?
29
30 MR. PALMER: I myself and the Kenai Peninsula Outdoor
31 Coalition opposes all your proposals, in their entirety. If
32 you don't know this, there is something very wrong with the
33 process, because we have written testimony. If you have not
34 read that testimony, then shame on you.
35
36 MR. EWAN: All I've got to say is I read most of the
37 testimony. I believe all the members here read your testimony
38 and read the court record of the hearing in Kenai in all the
39 communities. So I think you're wrong in saying that we don't
40 know what was happening down there. Lee.
41
42 MR. BASNER: Mr. Chairman, for the record, I have read
43 every word that has been transcribed from every person who
44 testified on the Kenai Peninsula and in the Anchorage meeting.
45 I have spent days going over this testimony and it's because
46 where I live I was not able to attend all of the meetings on
47 the Kenai Peninsula. That doesn't mean that I haven't heard of
48 certain organizations, nor that I have ignored all of this
49 testimony. And when someone does come before us in person, I
50

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like the interaction, I like to be able to hear what they say
 2n person because sometimes words get -- come across
 differently that way. So I appreciate Mr. Palmer coming up and
 giving us his opinion.

5
 6 MR. EWAN: Any other comments before we move on? The
 next person that I would like to call is Carl Jack. Carl, come
 up, if you're here. Good morning, Carl.

9
 10 MR. JACK: Good morning. Thank you, Mr. Chairman. My
 name is Carl Jack. I am the director of Subsistence and
 Natural Resources Department for the Rural Alaska Community
 Action Program. For the record, I will submit my written
 testimony after I read it. I appreciate the opportunity to
 testify on the issue of subsistence moose hunting on the Kenai
 Peninsula.

17
 18 Rural CAP has worked closely with Native communities
 and other subsistence users on the Kenai Peninsula for many
 years. I am personally familiar with the importance of
 subsistence hunting and fishing to Natives and other residents
 of the Kenai. Moose hunting is especially crucial there.

23
 24 There cannot be any question that there is customary
 and traditional use of moose by residents of rural communities
 on the Kenai Peninsula. The government's own data indicate
 this. In my opinion, the fact that these communities have been
 found to be rural itself requires the federal government to
 allow subsistence moose hunting by residents of those
 communities. I also believe that if there is some customary
 and traditional use in the community, that is enough to allow
 subsistence moose hunting under ANILCA. The number of people
 involved is not relevant. Since the data are clear that people
 in each community use moose for subsistence purposes, each
 community should qualify for customary and traditional use.

36
 37 I therefore recommend that you find that there is
 customary and traditional use in each rural community on the
 Kenai Peninsula.

40
 41 The next question is what moose hunting regulations to
 adopt. The proposal from the Subsistence Board is to have an
 extra early 10-day season for subsistence users, but to retain
 the so-called spike-fork 50 limitation on hunters. Even though
 spike-fork 50 is not customary and traditional and therefore
 restricts subsistence, the Board did not propose to close the
 Kenai Refuge to sport hunting.

48
 49 ANILCA is clear that if the government needs to
 50

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restrict subsistence uses for biological reasons, it must first eliminate all other uses. Therefore, if the government insists on implementing the spike-fork 50, it is required by ANILCA to close sport hunting on the refuge.

5

6 I do not support closure of the refuge to sport
Hunting. For this reason, I believe that the Council and the
Board should search for a way not to restrict subsistence uses,
so that sport hunting can continue. This requires looking
carefully at the biological justification for the spike-fork 50
proposal. I believe that if the Council and the biologists
take a careful look at this matter, you can find a way to
eliminate the spike-fork 50 restriction and still protect the
those populations.

15

16 Along these lines, I would like to suggest some
questions for you to consider. These questions are based on
the reports given to the Council and the Board last April.
First, the report assumes that that every subsistence hunter
will go to the refuge to hunt. While it is reasonable to
assume that more people would go there, it is not reasonable to
assume that they all will go there.

23

24 Second, the reports assume an incredibly high number of
hunter success rate. I am not aware of any area where one can
assume that one will readily get a moose 80 percent of the
time. Moreover, I understand that there are only a limited
number of areas in the refuge that are accessible to moose
hunters. It would be reasonable to expect that this also will
reduce hunter success rates.

31

32 Third, the reports assume that every moose that is
taken will be one that is not a spike-fork 50. This is not a
reasonable assumption. Many hunters unquestionably will take
the first moose they see, and that moose may well be a
spike-fork 50 or a fifty-inch moose. A more realistic
assessment is needed of just how many nonsupport -- non-spike-
fork 50-inch moose will be taken.

39

40 Fourth, I do not understand why the taking of a number
of moose on the refuge will threaten the status of the moose
population on the Kenai Peninsula. I did not see any
discussion of a number of moose on the refuge as opposed to
those on non-refuge lands, or how the hunt will affect the
entire moose population. This is important information that
needs to be part of the decision-making on this difficult
issue.

48

49 Finally, the spike-fork 50 is not the only way to
50

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manage moose. I am sure that you and the biologists are aware of other management approaches that might be used. For example, cow moose hunts have been allowed in Alaska and elsewhere to protect bull/cow ratios. You might consider these and other approaches.

6

7 To conclude, spike-fork 50 is most definitely a
8 restriction on subsistence. Implementing it as a moose --
9 excuse me. Implementing it as a subsistence regulation would
10 require closing federal lands to moose hunting. This is a
11 result to be avoided if at all possible. I urge you to
12 authorize a subsistence hunt for Ninilchik Natives and other
13 rural residents of the Kenai Peninsula, but to avoid
14 restricting those uses and closing other federal lands to sport
15 hunting.

16

17 That, Mr. Chairman, concludes my testimony.

18

19 MR. EWAN: Thank you, Carl. Any comments or questions
20 from the Council? Lee.

21

22 MR. BASNER: Yes, Mr. Jack. You made the comment that
23 you were in favor of C&T use by rural residents on the Kenai.
24 Would you clarify for me, do you mean all rural residents on
25 the Kenai, including some who perhaps we have not found in
26 favor of C&T?

27

28 MR. JACK: This was in reference to the resource use
29 plans that were discussed by the Board in the April meeting
30 against those eight criterias that were used to come up with --
31 to come up with this customary and use determination. I
32 believe those eight criterias are still valid because the --
33 that is the essence of Title VIII of ANILCA to provide rural
34 preference to those communities

35

36 MR. BASNER: Okay, thank you.

37

38 MR. JACK: for subsistence purposes.

39

40 MR. BASNER: Excuse me. My second question, your final
41 comment indicated that you wanted subsistence for Ninilchik
42 Natives and other rural residents. Does that mean that you
43 don't want subsistence for people who live in Ninilchik who are
44 not Natives and other rural residents who are not Natives?

45

46 MR. JACK: I believe that should be applied to everyone
47 that lives in those communities that meet the eight criterias
48 under which C&T determinations are made.

49

50

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1 MR. BASNER: Then in that case do I understand it --
 2 excuse me, please.

3
 4 MR. JACK: Perhaps a better way to rephrase that would
 5 be to include Ninilchik Natives and other residents.

6
 7 MR. BASNER: Okay. Am I understanding you are
 8 attempting to define it on an individual rather than a
 9 community basis? That's what I'm trying to get clear.

10
 11 MR. JACK: I meant to refer to it as communities with
 12 respect to -- I mean communities meeting the eight criterias
 13 under which C&T determinations are made.

14
 15 MR. BASNER: Thank you.

16
 17 MR. JACK: Thanks.

18
 19 MR. EWAN: You have a comment? Questions? Thank you,
 20 Carl. The next person will be Mark Chase, from Soldotna.
 21 Good morning.

22
 23 MR. CHASE: Good morning. My name is Mark Chase. I'm
 24 the Interim Refuge Manager of the Kenai National Wildlife
 25 Refuge, and I'm here this morning to present the views of the
 26 Fish & Wildlife Service and the Kenai National Wildlife Refuge
 27 part.

28
 29 The Fish & Wildlife Service comments have been
 30 submitted in writing, and I think they have all been made
 31 available to you. Those address basically four areas. The
 32 fact basis for the C&T determinations, the purposes and
 33 mandates that you've heard about for Kenai Wildlife Refuge
 34 specifically, the special circumstances of the Skilak Loop
 35 Wildlife Management area on the Kenai, and the special
 36 circumstances of the Ninilchik Tribal Council.

37
 38 The comments this morning will focus primarily on the
 39 purpose and mandates of the refuge, the special circumstances
 40 surrounding Skilak area, and access consideration for the Kenai
 41 Wildlife Refuge.

42
 43 The unique processes -- purposes in ANILCA for Kenai
 44 NWR merit careful consideration alongside of the rural
 45 subsistence priority established in the same legislation. The
 46 Service intends to strike a balance between Title VIII mandates
 47 and the statutory purposes so that neither is accommodated to
 48 the exclusion of the other.

49
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1 The Service recognizes that Title VIII is broad and
 2ntended to apply to all federal lands. To that end the
 Service is committed to providing meaningful priority for the
 4subsistence uses of those few communities on the Kenai
 Peninsula which can be said to have historically significant
 6customs and traditions of broad reliance on local resources.

7
 8 At the same time Title III purposes for Kenai are
 clear, and both Sections 101(c) and 802.1 clearly state that
 the implementation of a rural subsistence priority must be
 consistent with the purposes for which the refuge was
 established.

13
 14 The Kenai NWR is the only refuge in Alaska which does
 not contain a specific purpose for subsistence. At the same
 time, it is the only refuge in Alaska that does contain a
 specific purpose for recreation. Unfortunately, the
 legislative history of ANILCA does not contain a definitive
 state of why the subsistence purpose was omitted from the Kenai
 Refuge purposes.

21
 22 Taken together, the plain language of these provisions
 23 ANILCA indicate that the Kenai Refuge has both a wildlife
 24creation and a subsistence priority among its management
 25responsibilities. The language concerning consistency with
 26nservation unit purposes indicates both wildlife recreation
 purposes and the subsistence preference mandate must be
 28ncurrently accommodated.

29
 30 The Service takes the view that in this unique and
 31specific circumstances of the Kenai Refuge, neither purpose nor
 mandate can be implemented to the exclusion of the other.
 Regulations to provide for subsistence uses on the Kenai
 National Wildlife Refuge must not operate to the exclusion of
 35regulations providing for other wildlife recreation of
 36activities, including recreational hunting. Instead, the
 purpose must be balanced through a common sense, reasonable
 management program.

39
 40 With respect to the Skilak Loop Wildlife Management
 Area, the Skilak Loop area was established as a recreational
 Area in 1985 primarily for the purpose of providing for
 wildlife viewing opportunities. The area has been managed
 44operatively, the moose population has been managed
 45operatively with ADF&G, and refuge staffs have agreed upon
 harvest regimes and strategies to maintain this population,
 both to protect the habitat, the resident population of the
 Area, both to protect the habitat and also provide for viewing
 opportunities.

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1
2 The Service seeks to continue this cooperative
3 relationship and seeks to continue to manage the Skilak Loop
4 under the current harvest regime.

5
6 Finally, I'd like to speak briefly to concerns for
7 access regulations that have been brought up and a couple of
8 comments in public meetings.

9
10 A number of longstanding access restrictions to the
11 Kenai NWR are in place. The Service intends to retain the
12 existing access regulations for all activities occurring within
13 the National Wildlife Refuge.

14
15 As I said, that's a little bit of a summary of what's
16 contained in the written comments. There is a formal written
17 package submitted of Fish & Wildlife Service comments, and if
18 you all have a few questions dealing with refuge things, I'll
19 try and answer them for you.

20
21 MR. EWAN: Okay, thank you. Are there any questions or
22 comments from the Council? Thank you.

23
24 MR. CHASE: Thank you.

25
26 MR. EWAN: Okay. Do we have anybody else that wants to
27 make public comment on any proposed -- any of the proposals?
28 Not maybe we can take a break.

29
30 MR. BASNER: Let's take a break.

31
32 MR. EWAN: Let's take a 10-minute break.

33
34 (Off record)

35
36 (On record)

37
38 MR. EWAN: Getting back we have additional public
39 comment. The first person I will call now is Elaina Spraker.

40
41 MS. SPRAKER: Mr. Chairman, Counsel, thank you for
42 letting me testify this morning. My name is Elaina Spraker. I
43 am a Soldotna resident. I am also acting chairman of the Kenai
44 Peninsula Outdoor Coalition. I'm testifying today to relay to
45 you some thoughts and information about the Kenai Peninsula.
46 As acting chair of the Coalition I've been a real sounding
47 board for this community and in the process I've really gotten
48 to know the Kenai Peninsula better and it's been a very
49 positive aspect of this. To relay to you from a community -- a
50

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consensus from the community, they're very, very upset about this.

3

4 We are one community. The majority of the people on the Kenai Peninsula feel that implementing these subsistence proposals will just economically devastate us, socially devastate us and we don't want it. Through the public testimony and the meeting it is so evident even in the communities that will privy to this resource, with the exceptions of the ones across the Bay, we don't want this. We feel we're doing fine. We feel that we have a diversity use of the resource. We have diverse cultures. And the majority of us feel that there's a balance and we have healthy fish and wildlife populations.

15

16 I come to you today to ask you and plead with you unite with us, embrace subsistence, protect subsistence.

18

19 I don't know if there's any more that can be said that's already said. You've had all the legal aspects of why subsistence shouldn't be down on the Kenai Peninsula. You've had emotion. Many people have begged, they've pleaded, they've cried, you know, and, again, I fear you -- that maybe this counsel doesn't realize what this is going to do to our community.

26

27 I've lived in Alaska most of my life and I've never seen a group of people unite like the Kenai Peninsula has and I'm very proud to be a part of that. We're trying to preserve our lifestyle here and we're having a real hard time understanding the persistence of this program coming down on the Kenai Peninsula, you know. And again, I'm just asking you to be a sounding board for the Kenai Peninsula, please, reconsider your proposals and what it's going to do to us. Thank you.

35

36 MR. EWAN: Thank you. Lee.

37

38 MR. BASNAR: Yes, Mr. Chair, could you be more specific, you said reconsider our proposals, are you talking about every proposal we made period or can you be specific?

41

42 MS. SPRAKER: As a consensus from the Kenai Peninsula, again, I'm going to talk with the majority as a sounding board, we feel that the C&T determinations, there should be no C&T determinations. That we are not rural with the exception of Port Graham and Nanwalek. We are not rural communities. We live together again as stated, you know, many times before, we do all the same things, we've just in different spots on a land mass. And as far as for some individuals thinking that maybe

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certain cultures should get certain privileges, I say to that, you know, the great Native people of Alaska we need to honor their past, not try to relive it. And all try to work together and try to understand each other's differences. And I think the Kenai Peninsula does a really good job of that. I'm proud of every culture and I'm proud to be a part of that, too, on the Kenai.

8

9 MR. BASNAR: Okay. Then I think I understand that the people you represent would not be upset if we granted C&T to Nanwalek and Port Graham, have I interpreted you correctly?

12

13 MS. SPRAKER: Yes. If there has to be some type of subsistence priority we feel -- people feel, again, if there has to be that Nanwalek and Port Graham perhaps -- I think they to better define that, they feel like Nanwalek and Port Graham depend a little bit more on the resource than the road connected Kenai Peninsula and perhaps they should have an advantage of harvesting that resource.

20

21 MR. BASNAR: But not Seldovia?

22

23 MS. SPRAKER: No. Have you been to Seldovia lately? We're talking mountain bikes and cappuccinos. I've been there. I just came from there this weekend and I -- no. As I was taking my mountain bike over there -- no, Seldovia. I met -- on the dock there while I was in Seldovia, I met retirees that have expressed to me that snow birds, quotes, are coming into the area. They live there in the summer and then go back to Arizona in the winter time and if you spent any time in Seldovia like I have it is not a subsistence community. They do the tourism. I hear their advertisings on the radio. I also pick up the brochures, the vacation planners and they always have a big splash with their Chamber of Commerce.

35

36 MR. BASNAR: Then your comments that you just made represent the counsel, the Outdoor Counsel?

38

39 MS. SPRAKER: Yes and the community and -- and the community.

41

42 MR. BASNAR: Okay. I just want to make certain they weren't just personal comments, not that there's anything wrong with that.

45

46 MS. SPRAKER: The cappuccino and the mountain bike was.

47

48 MR. BASNAR: Okay, thank you.

49

50

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1 MR. EWAN: Any other questions or comments? Fred.

2

3 MR. JOHN: (Indiscernible) Thank you for your comment.
4 I'd just like to say is Nanwalek and Port Graham that -- I
5 just want to bring this out, is it a Native community.

6

7 MS. SPRAKER: Are they -- are you asking me if they a
8 Native community?

9

10 MR. JOHN: Yes.

11

12 MS. SPRAKER: I believe that they are predominately
13 Native.

14

15 MR. JOHN: Um-hum. And you said that you've like them
16 have subsistence preference and the others not, no?

17

18 MS. SPRAKER: Seldovia or the rest of the Kenai
19 Peninsula?

20

21 MR. JOHN: Or all the rest of the Kenai Peninsula,
22 um-hum.

23

24 MS. SPRAKER: Yeah. And you're asking why I think

25

26 MR. JOHN: Um-hum.

27

28 MS. SPRAKER: Nanwalek and Port Graham? Because
29 think that they've carried on a more traditionally -- they've
30 continued to harvest a resource traditionally, opposed to the
31 Kenai Peninsula road connected Kenai Peninsula modern day has
32 had come on to the Kenai Peninsula. And the information
33 that I have received from people that have lived in Nanwalek
34 and Port Graham expressed that their life style is different
35 than the rest of the communities.

36

37 MR. JOHN: And it's a Native life style, right?

38

39

40 MS. SPRAKER: Pardon?

41

42 MR. JOHN: It's a Native life style, right, in Port
43 Graham and

44

45 MS. SPRAKER: To answer that honestly all I can say
46 from the information that I've received is that they depend on
47 the resource more.

48

49 MR. JOHN: Just like any other Native village in

50

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Alaska?

2

3 MS. SPRAKER: Like any other?

4

5 MR. JOHN: Native villages in Alaska.

6

7 MS. SPRAKER: Yes.

8

9 MR. JOHN: Okay, thank you.

10

11 MS. SPRAKER: And we feel subsistence should apply to
those two.

12

13 MR. JOHN: And the Outdoor counsel support this?

14

15 MS. SPRAKER: Yes. The Coalition.

16

17 MR. JOHN: Thank you.

18

19 MR. EWAN: I have a question and that is just, does
20 your group feel that there is no one or no group over in those
21 communities that you want to exclude for preference qualified
22 subsistence users?

23

24 MS. SPRAKER: I'm not understanding, can you repeat the
25 question?

26

27 MR. EWAN: I'm saying, you say you should exclude all
28 the communities except Nanwalek and the other,

29

30 MS. SPRAKER: Um-hum.

31

32 MR. EWAN: Port Graham?

33

34 MS. SPRAKER: Um-hum.

35

36 MR. EWAN: You say all the other communities in your
37 opinion, your group, feel that there's nobody over in that
38 other -- other communities that qualifies bona fide subsistence
39 users? I'm not talking about individuals only, I'm talking
40 about group, maybe there's a group there just as Ninilchik here
41 that I keep hearing about over, you know, the course of our
42 process?

43

44 MS. SPRAKER: Right. No, there is no other group
45 including the Ninilchik Traditional Council. I feel that they
46 have the same life style that we do. I also -- and this is a
47 personal opinion of mine, that customs and traditions should be
48 carried on through teachings, not having privy to the resource

49

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perhaps as the Kenaitzes did and the Ninilchik Traditional Council with their educational nets. I think people have -- you know, have accepted that. Not that everybody agrees with it, but, you know, we're all trying to meet here in the middle and I guess we're asking the same thing, too. Every culture has customs and traditions that they'd like to carry on, but to say that the road connected -- again, road connected Kenai Peninsula is a subsistence community is just absurd. Just totally absurd.

10

11 MR. EWAN: Any comments or questions? Not. Thank you.
10h, did you have, Gary?

13

14 MR. OSKOLKOFF: I just have a couple of quick questions. With regard to a division, say, between Seldovia on one side and Nanwalek and Port Graham, there are -- is it the contention of the Outdoor Coalition that there shouldn't be lines drawn, that neighbors shouldn't be -- one neighbor should not be kept from having a subsistence harvest while the other one is allowed to have a subsistence harvest?

21

22 MS. SPRAKER: Right. Some -- many people feel that way exactly. Mr. Oskolkoff, if I can address, you know and I know the subsistence issue is a very, very divisive and complex issue. There are some people that feel there should be no rural preference.

27

28 Again, the Coalition has accepted that ANILCA is here to stay and, you know, what's the fine line here we can all live with. If there has to be a subsistence priority, I think this group is trying to -- the pendulum is over here, we've been trying to bring it back to the middle where it's fair, where subsistence should be applied fairly. And again, it goes back to a community that depends on that resource. And though continuous -- that hasn't evolved into a more advanced technical community which a lot of the communities through road systems, through technology in Alaska has and I think this is why on a state level subsistence is, again, so divisive. If there has to be subsistence let's narrowly define it so it doesn't eliminate other people. So it doesn't go in and rip our economies and our social fabric apart.

42

43 It's a balance and I feel people have a real hard time meeting that balance because we're, you know, all worried about who is going to get what and we look at our own needs too much.

46

47 MR. OSKOLKOFF: Thank you.

48

49 MS. SPRAKER: Um-hum.

50

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1
2 MR. EWAN: Just want to make a quick comment and
3 that's, you know, I want you to hear my views. My views from a
4 council member standpoint living far away from the Kenai
5 Peninsula, I believe I told you privately that I relied heavily
6 on those people that live on the Kenai Peninsula in our
7 deliberations in arriving at our determinations on this
8 communities and the species we were talking about, the C&T
9 determination.

10

11 I generally feel that I don't want to leave anybody out
12 that's truly in need of subsistence and that's what I kind of
13 want to draw out from you. How do we deal with people that
14 come maybe privately, not publicly, but say, hey, I don't work,
15 don't -- I subsist, that's how I live. How do we deal with
16 those people in those communities that you want to include?

17

18 MS. SPRAKER: I'm going to try to answer that as best
19 I can. I'm very closely connected to the main body of the
20 Kenai Peninsula. And there is no one on the road connected
21 Kenai Peninsula that totally depends on the resource. There's
22 one. And if there is I want to meet 'em. There just --
23 they just don't exist. And I've been to every -- I've been
24 everywhere there. I'm -- you know, and -- and I've had
25 through, again, being in the position that I'm in, I've had --
26 I've talked to so many people. I've had letters written to me.
27 I've phone calls. The phone calls are unreal that, you know,
28 I'm just -- I wish I could take my information and zap it right
29 to your head and I think you'd get a real clear picture of
30 that.

31

32 MR. EWAN: I'm getting a picture. Any other?

33

34 MR. OSKOLKOFF: Just one more question. In your last
35 statement it brought something to mind. Is it your opinion
36 that those people who are -- who should be found to have a
37 custom and tradition must be totally dependent as you stated on
38 those resources and have no percentage of their sustenance and
39 their culture or their life style dependent upon other
40 resources?

41

42 MS. SPRAKER: I think what you're asking me is, you
43 know, in my opinion is there certain individuals that should try
44 to exclude their customs and traditions. No, again, your
45 customs and traditions follow in every culture. If you look at
46 every culture, our customs and traditions have changed from
47 100, 200 years ago. It's a matter of if you really want to
48 carry on those customs and traditions you teach those children,
49 like I'm teaching my children. You don't demand to have

50

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Something over that's not fair to carry on those customs and traditions. That's the best thing you can do for your kids.

3

4 My grandfather -- boy, my great-grandmother, a Cherokee Indian, I don't carry on the exact same customs and traditions, but, boy, I'm trying to find out more about it so I can tell my children as my grandmother has passed on to me through time. That's just evolution. We all change and we should try to honor it.

10

11 MR. OSKOLKOFF: Maybe I didn't make myself clear. Let me try and ask the question maybe in a little different way. You stated that Nanwalek and Port Graham you felt fit what your definition of a customary and traditional and a subsistence use communities were. Yet they're not, as far as I know, totally 100 percent dependent upon those resources. They have a -- perhaps a preponderance or a percentage that they take from the land. And my question was, is it your's or the Coalition's contention that a community must be totally dependent upon the natural resources that are outlined in the C&T determinations in order to get a C&T determination?

22

23 MS. SPRAKER: No, here you go and, this is going to be complex. I think if you asked the majority of the people on the Kenai Peninsula if there should be any rural preference as stated right now under these federal subsistence laws, they would say, no, but they are law, we are stuck with it. Again, what is it -- where's the fine line that we can live with here. If we have to have, if we have to, which that is becoming apparent, you know, to us, because it -- you know, again, this is the frustration. It almost seems like we're getting this jammed down our throat and it's -- you've got two sides here and if we have to have it what communities do people feel should be appropriate in having it.

35

36 Nanwalek and Port Graham I don't think totally, truly have a subsistence, true, pure subsistence lifestyles, perpetuation of a life style, but again, if we had to have it those two communities is what our choice was.

40

41 MR. OSKOLKOFF: So you're stating it's a matter of perhaps percentages or degrees, not necessarily absolute one way or the other?

44

45 MS. SPRAKER: Yes.

46

47 MR. OSKOLKOFF: Thank you.

48

49 MR. EWAN: Any other comments or questions? I do have

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One thing that kind of occurs and we talk about this customary and traditional use and all that, you realize that, you know, in other parts of the country, like, in the south they're accustomed to a certain type of food, black-eyed peas in certain areas and all that. What do you call that oatmeal, what do we call oatmeal?

7

8 MS. SPRAKER: Grits.

9

10 MR. EWAN: Grits and all that. Well, to me I read into ANILCA when they talk about customary and traditional use, these people have lived on the -- on food -- certain food for so long that they're accustomed to it.

14

15 MS. SPRAKER: Um-hum.

16

17 MR. EWAN: They crave it. Do you people think of those things when you try to lump a community into a category

19

20 MS. SPRAKER: Um-hum.

21

22 MR. EWAN: that includes Natives, a long line of traditional use? Do you think about that?

24

25 MS. SPRAKER: Yeah, I think there are many of us that think of that. See, and I guess I refer to that back to myself, that's what I was raised on. I was raised on halibut, fish, moose and caribou and so are my children and so was my parents before me.

30

31 MR. EWAN: So what your group is basically saying is forget that, don't think about that anymore or don't consider that, is that what you're saying?

34

35 MS. SPRAKER: No. I think what our group is saying is for the main body Kenai Peninsula that, again, they've evolved through time and through technology into a different life style and accepted the modern conveniences and lived the modern conveniences.

40

41 MR. EWAN: All right (ph).

42

43 MR. OSKOLKOFF: Just one more question. In your deliberations with the Kenai Peninsula Outdoor Coalition -- am I getting that correct, what criteria were used to make the judgment calls, what regime did you use to process this information? I'm sure you're pretty aware of what the elaborate network of charts and graphs and criteria, the A-criteria (ph) and whatnot that we had to apply. What criteria

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Did your group go through and if you did would you make
 available to this Council in the future a copy of how you
 applied the criteria so we could get some understanding?

4

5 I think what we're failing to do is we've gone through
 6 large process and a very time consuming process over the last
 7 couple of years to do this and we're looking for, oddly enough,
 8 additional information

9

10 MS. SPRAKER: Um-hum.

11

12 MR. OSKOLKOFF: and I would sure appreciate that,
 13 -- if in the future we could see that, but I would be -- I'd
 14 welcome your comments now.

15

16 MS. SPRAKER: Sure. First I'd like to state that
 17 there's a couple of board of directors on my Coalition that are
 18 much -- technically know much more, far beyond than I do about
 19 the criteria and I wish they were sitting right here besides me
 20 I'm going to try to shoot from the hip here. But, I
 21 believe, there were two of my board of directors that referred
 22 the third -- the most restrictive criteria which was number
 23 and they felt that Nanwalek and Port Graham fell under number

24

25

26 MR. OSKOLKOFF: Okay, thank you.

27

28 MS. SPRAKER: Okay.

29

30 MR. EWAN: Okay, thank you, thank you very much. The
 31 next person we'll call is Dave Allen, Rural (sic) Director of
 32 Fish and Wildlife Service. Dave.

33

34 MR. ALLEN: Thank you, Mr. Chairman. My name is Dave
 35 Allen. I'm the Regional Director for the Fish and Wildlife
 36 Service. We administer the Kenai National Wildlife Refuge on
 37 the Kenai Peninsula.

38

39 You already heard this morning from our refuge manager
 40 who provided you some basic information on many of the issues
 41 that were raised and our written comments to the hearing
 42 process here recently. I will not be redundant and repeat
 43 those. However, there are some points that I would like to
 44 emphasize for the Council.

45

46 The service is committed to a careful implementation of
 47 ANILCA including subsistence priorities and the provisions for
 48 all conversation lands. We recognize that this is
 49 controversial right now on the Kenai with very real risks of

50

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conflict and on-going turmoil. We realize that many believe that certain sections of ANILCA exclude the Kenai Peninsula from the application of the subsistence priority. The Service does not share this view.

5

6 However, we do believe that there is a need to discern
7- to be discerning in its application of the subsistence
8 priority and strike the balance between the purposes of the
9 refuge and the subsistence priority. We hope to build upon the
10 comments of many Peninsula residents who acknowledge that there
11 are some remote communities in which the subsistence priority
12 makes credible sense both for the people and for the benefit of
13 subsistence.

14

15 Essentially the position that I have taken, which I
16 took previously on this issue and really has not changed is
17 that for those areas of Port Graham, Nanwalek and Seldovia we
18 raise no specific objections with regard to the subsistence
19 priority.

20

21 When it comes to the road connected area of the Kenai
22 Peninsula basically our -- we still remain committed to the
23 view that overall we cannot support a C&T finding. However,
24 we've made it very clear that in reviewing the basic
25 information that we have gathered, that the Council has
26 gathered, that the public has provided us, that our position
27 also has not changed with regard to trying to find some way to
28 recognize the -- a legitimate subsistence priority that has
29 been expressed specifically by the tribal members of the
30 Ninilchik tribe. We have offered in the past and we've offered
31 again in our written comments possibly some way to address and
32 recognize this priority. It is frankly imperfect with regard
33 to what the law provides and does not provide.

34

35 I guess what I would like to propose to the Board -- or
36 I'm sorry, to the Council at this point is that I believe that
37 it is very important for the Federal Subsistence Board of which
38 I am a member, hear from this Council with regard to any
39 specific views that they might have that might be different
40 from what was expressed originally with the original proposal.

41

42 I would suggest to you that the focus of my interest,
43 again, would be to try to address in some manner that we can do
44 within the context of the law that addresses those subsistence
45 needs that, I think, have been well demonstrated with regard to
46 the Ninilchik Tribal members in the rural areas of the Kenai
47 Peninsula.

48

49 I guess I will just cut it off there and be happy to

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answer any questions that you might have of me at this particular time knowing that tomorrow you get another shot at me as well.

4

5 MR. EWAN: I would like to take a quick shot here. A question, Dave, I know the last subject you talked about was Ninilchik and obviously you feel there's some legal problems in trying to meet the subsistence needs of that -- you mentioned the Tribal Council. Could you comment a little more about that? I mean, what -- maybe what are the possible legal problems, if any?

12

13 MR. ALLEN: Well, it really is beyond my ability to address, I think, totally, but I think that it stems from at least in part from the fact that there have already been determinations made with regard to the -- what is rural and what is not rural on the Peninsula. Any further discerning of, say, the Ninilchik area raises some significant questions as to whether or not even within our regulations or the law that it's something that we can do. And -- but I would say this, that I think that the Council has an opportunity to make suggestions, not, you know, totally bound legally for the Board to consider. You know, I think the Board has to consider fully and completely not only your recommendations, but weigh 'em against what the law has directed us and requires us to do, but I think the law also gives us some significant latitude to give great deference to the views of the Council in making those decisions.

29

30 MR. EWAN: Lee.

31

32 MR. BASNAR: Yes, Dave, I'm aware that the area around the town of Kenai and Soldotna considered to be non-rural, but when we start to give a preference to the Native Tribal Council in Ninilchik, I have to wonder about the Kenaitze Tribe that lives in this non-rural area and how are we able to differentiate between people as so many people on the Kenai said by Zip Code. If you're going to have a racial preference then that should extend across the races. I'm not advocating that, but -- and I know that the -- the constrictions that are placed on us by this rural finding and I know we're not opposed to or we don't intent to revisit that until after the next census, but what would your opinion be if we revisited that soonest and took a look at the rural, non-rural thing because of this very problem in the Native tribes?

46

47

48 MR. ALLEN: Okay. Lee, I think in -- you know, and try and direct answer to your question with regard to what would it

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mean to revisit the question of rural. I believe that to a very large degree the comments that we've heard in the last several weeks in the -- during the course of the public hearings, does raise that question rather loudly. And I take it from the views of many people, primarily those that express some distinction between the road connected and non-road connected areas as those within the road connected areas should be treated all the same.

9

10 A reexamination of the question of rural on the Peninsula offers, you know, a range of opportunities of which at either end is a decision that could render the whole Peninsula rural and therefore, we would be viewing these customary and traditional use determinations from the context of all citizens on the Peninsula or the other extreme, none of it's rural. And then, of course, there would be supposedly infinite possibilities in between or at least many different possibilities of a different patch work, so to speak, with regard to what is rural and what is not rural on the Peninsula.

20

21 Personally, I think the idea has merit and it is one that I fully intend to raise during our Board meeting tomorrow as something that I think the Board at least has to consider in its deliberations before it does make any final decision on the proposal before us.

26

27 MR. BASNAR: Thank you.

28

29 MR. EWAN: Any other questions of comments? I do have, but I don't want to put you on the spot, but

31

32 MR. ALLEN: That's okay, Roy.

33

34 MR. EWAN: the comment that you made to us in your letter, now you're kind of making that a position (ph), I guess, I'm going to propose this at the Federal Subsistence Board regardless of what we say today, is that

38

39 MR. ALLEN: Well, again, as you recall on the original C&T proposal last April I did not support it then essentially for the same reasons that I've expressed to you today. And it really hasn't significantly changed. I think what I've done in my letter to you -- or I'm sorry, to the Chairman of the Board, more clearly express what our views are. And if I may just quickly, that we -- we really don't take exception to the a C&T termination for Port Graham, Nanwalek and Seldovia, but we do take exception to the -- for such a determination in the rest of the areas including -- I'm sorry, including Whittier, not just the road connected area of the Kenai, but again, let me

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emphasize, we have said all along that some how, some way we would like to find a mechanism, a way to address, I think, the issues that have been brought to us by the members of the Minilchik Tribe.

5

6 MR. EWAN: All right. No questions, comments. Thank
7 you.

8

9 MR. ALLEN: Thank you, Mr. Chairman.

10

11 MR. EWAN: Next item on the agenda? Is there anybody
12 else who wants to testify here? If not, we'll get into the
13 next agenda item, and that is Council review of the formal
14 actions on recommendations. We all know that in previous
15 meetings we took action on this. What we're going to do today
16 probably will be discussing any modification, if any, that we
17 have to our recommendation.

18

19 I would like to first call on the agencies and see if
20 they have any comments on this. Do we have any particular
21 agency that wants to make a comment? Yes, Mr. Spraker.

22

23 MR. SPRAKER: Mr. Chairman, Fish and Game would.

24

25 MR. EWAN: All right.

26

27 MR. SPRAKER: Good morning, Mr. Chairman. Yeah, my
28 name is Ted Spraker. I'm the area biologist for the Alaska
29 Department of Fish & Game on the Kenai Peninsula. And I'd only
30 like to offer a couple of brief comments pertaining to
31 statements that I heard this morning, and I offer these just as
32 clarification, and perhaps they may be useful in your later
33 discussions.

34

35 One of the comments I heard this morning was that
36 people from Port Graham hunted sheep and goats locally, and I'd
37 like to point out, using this map if I could, that Port Graham,
38 being located on the very southern tip of the Kenai Peninsula,
39 is quite a distance from any sheep populations. In fact, the
40 sheep range ends -- it's difficult to point this out without
41 going to the map. Let me do that for just a second.

42

43 Mr. Chairman, the sheep range ends approximately right
44 here on the Kenai Peninsula, and there are no sheep on this
45 portion of the Kenai Peninsula. It has tremendous goat
46 habitat, but there are very few sheep in the area -- or there
47 are no sheep in the area.

48

49 Another comment that was made this morning, there was

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kind of a discrepancy about some of the success rates that were mentioned by the Fish & Wildlife Service staff, and the success rates were fairly high. And I'd like to point out that on the Kenai, where we've conducted cow hunts in the past, we've had as high as 100 percent success on limited cow hunts.

I'd also like to point out that we consistently have 50 percent plus success rates in the permit area, in 15(B) east, where hunters are not only limited in numbers, but they're also limited to take only bulls that are 50 inches and larger. So we do have fairly high success rates in some of our limited areas.

Another statement was made about the harvest by subsistence hunters may take all mid-size bulls. Since those are the bulls that are protected under the spike-fork 50-inch regulation -- of course, those were the ones that we're trying to maintain the population, and we all know that's not true. In a normal year the legal bulls, under the spike-fork 50 regulation, probably make up at least 40 percent of the bulls in the population, with the rest being three or four plus point yearlings, which would make up -- the yearling class would make up the largest number of bulls following a mild winter. And then bulls that are up to about four or five years of age would be protected under this regulation.

There's one exception to that, and that's following a very severe winter. As we've discussed in our previous meetings, we had a severe winter this past year, and given it our best guess I would say that probably 70 percent of the bulls in the population on the Kenai at this time are in that mid-size range. And the reason I make that conclusion is that we lost so many calves last year, which produced the spike-fork yearlings. So hunters will be concentrating on a very low number of spike-forks that survived the winter as calves, and they'll be concentrating on some of the older bulls that are probably four or five years plus in age. So this year is going to be predominantly mid-size bulls that are protected.

So if we had an any bull season on the Kenai this year, it probably would make some pretty deep inroads into that protected segment of the population.

Another comment was made briefly about, you know, why we have the spike-fork 50 regulation. We've pretty much gone through that before, but just to kind of -- to summarize my thoughts, we would be taking a tremendous step backwards if we dropped all the benefits and the progress we've made under the spike-fork 50-inch regulation over the last eight years.

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It would be like selling your 1995 car and buying about a 1950 that probably runs -- you don't know how long it's going to run and when it's going to breakdown. Well, that's the system we had before. Any time we had a real tough winter we were faced with closing the season. Now we only had a 10-day season in Unit 7, we had a 20-day season in Unit 15, and I can tell you from personal experience, there were a lot of people in the Kenai who wanted to close the season because of the lack of bulls.

10

11 That attitude is gone with this new system on the Kenai that we now have a season, it's 32 days long, and there's a lot of opportunity. The bull-cow ration is higher than it used to be. We're supporting the same number of hunters we had before this program was implemented, about 3600 hunters, and we're also supporting the same harvest. This year we had 656 bulls taken on the Kenai, and that's just during the general hunt alone.

19

20 Another comment was made concerning why can't we harvest cows. And the comment that was interesting to me was that we have a low bull-cow ratio one of the ways to adjust it would be to harvest some cows. To be real clear about that, that's unacceptable in management principles. You do not harvest cows to readjust the bull-cow ratio. If there's a problem with the bull-cow ratio, you cease hunting bulls until the bull numbers increase. The only time we are authorized through the Board to harvest cows, when we have an excess moose population. The Homer area is an example. We have a population that's not in balance, if you will, with the available habitat, and the most effective way to reduce the population and to lessen the impact on the habitat is to reduce some of the productive females in that population. That's why we hunt cows.

35

36 On the Kenai we have -- because of the tremendous demand for moose we have maximized hunting opportunity. Every available surplus moose on the Kenai is currently available to hunting. And, again, the only couple areas that we have that we do have -- that we allow cow hunting is the Homer area and the Skilak Loop area. We do have a cow hunt there, and it's under a special management agreement between the state and the refuge, and we're considering -- or we allow hunting there of cows because of a high moose density and habitat carrying capacity consideration.

46

47 Mr. Chairman, those -- that's all I have. Thank you very much, unless there's any questions.

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1 MR. EWAN: Any questions or comments from Council
members? Gary.

3

4 MR. OSKOLKOFF: You said originally -- or during your
comments -- or if I paraphrase or even mince your words about
here, that you don't normally cull the cows from the herd, as
opposed to the bulls. Is that based on maximum sustained yield;
as that the principle, that one only goes after the bull as
opposed to the cow?

10

11 And I guess to add to that question, since you're going
to be in that realm anyway, and when lowering the moose
population density in the one area that I think you mentioned,
Skilak Loop, and that was the purpose of doing that, that
that's the difference between those two regimes eventually is
that one is for maximum sustained yield and one was to lower
the overall density of the population, that's why you had a cow
season instead?

19

20 MR. SPRAKER: Okay. To answer your second question
first, the reason we have a cow season in Skilak Loop is we
have an agreement with Fish & Wildlife Service, and we also
have spent a tremendous amount of time trying to determine
carrying capacity for moose on the Kenai. That figure is
somewhere around two moose per square mile. In the Skilak Loop
area we're trying to maintain about 130 moose, because we have
approximately 60 square miles of habitat available. We are
currently over that, and that's why we're harvesting cows to
reduce the population in the most effective way and the
quickest way.

31

32 As far as maximum sustained yield of a moose
population, if you have a balanced population, at least close
to a balance with the available habitat, you are much better
off as a manager to harvest bulls and protect the cow segment
population. You can only harvest cows when you have more
animals than the habitat can support. That's when the cow hunt
is authorized.

39

40 MR. OSKOLKOFF: Thank you. Appreciate it.

41

42 MR. EWAN: Ted, I know that maybe this has been asked
before, but I'm trying to understand the 50-inch spike-fork
rationale, why we have that. I see that it's more benefitting
certain groups than real meat hunters. I know from many years
of experience, I'd rather have say two three-year-olds than a
first year runt or a spike-fork bull. And it's harder to get
50-inch or better in some cases in my area, I'm thinking about.
Will you comment? I don't know, I think it was asked before,

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But I'm wondering.

2

3 MR. SPRAKER: Right. Well, first off I'll have to make
4t clear that this spike-fork 50-inch regulation is not the
5perfect, will last forever management strategy. I think it's a
6good start. I think it's worked well on the Kenai. I think
7it's done everything it was designed to do, but it always needs
8some fine-tuning. And the part that you're talking about is
9the part that we discussed at length with the public, and a lot
10of people were concerned that we were trying to establish a
11trophy hunting area because we allowed only 50-inch or three
12brow tine bulls to be taken. In reality, what actually shows
13up in the harvest is about half of those bulls that are in the
14large bull category, are the bulls that you're looking for, the
15three-year-old, the four-year-old bull that's less than 50
16inches, but it has three brow tines. So those bulls are still
17available.

18

19 The other part of the discussion centered around the
20amount of meat that's produced. Currently, about 60 to 70
21percent of the harvest is made up of yearlings. That's no
22change from what we had during the any bull seasons. The
23change is that the other 30 to 40 percent is made up of large
24bulls, and those mature bulls will yield 500 plus pounds of
25meat. And in looking at the average harvest these days, if you
26for example, if you harvested a hundred bulls on the Kenai
27today, compared to 100 harvested in the early '80s, those bulls
28would average 60 pounds of meat more under this regulation.
29And the reason for that is that 30 to 40 percent of those bulls
30are three to four, five plus years of age. They're larger
31bulls, they produce more meat. That was one of the
32considerations that we took into account because hunters on the
33Kenai, like most hunters in Alaska, are meat hunters. They
34want white packages in their freezer. They're not concerned,
35the most part, about antlers.

36

37 As far as addressing the trophy part of it, if we were
38really looking at a trophy aspect, we'd probably go to a
3960-inch bull, minimum size 60-inch bull, 'cause a 50-inch bull
40is not really a trophy in a lot of hunters' minds. You know,
41if you kill a 60-inch bull -- you know, I've -- even looking at
42movies that were produced 25 years ago of guides in Alaska, you
43know, the main theme was we got a 60-inch bull. And I think 60
44is probably the more of the trophy aspect in the hunters' mind.

45

But to try to answer your question as clearly as I can,
46this program has worked well. The department is very
47supportive of it, the public is very supportive of it. In the
48future we may fine-tune it some more. It's not set up as a
49trophy hunt, it's set up to produce high bull-cow ratios, long
50

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seasons, and a lot of meat under maximum sustained yield principles.

3

4 MR. EWAN: Lee, do you have a question?

5

6 MR. BASNAR: Yes. Can you give me the history -- how far back in modern times does the moose population on the Kenai go?

9

10 MR. SPRAKER: I could give you a quick rundown. The moose population was fairly low around the turn of the century, although I do not have any clear records or numbers, but I think it was fairly low, compared to what we have now. And I'll put some numbers to that. The population built after the 1947 burn, which occurred in the northern part -- burned about 560 square miles. The moose certainly benefitted from the habitat created in that burn and probably built about 15,000 animals by the late '60s-- mid to late '60s. From 1913 to the late '60s there was an absence of wolves on the Kenai. We had fair numbers of black bear and brown bear, but we had no wolves. So there was also a benefit that allowed the moose population to increase.

23

24 During the late '60s, early '70s we had long seasons, we had generous bag limits, we killed 12 to 1500 moose on the Kenai annually. The department, I think, made an oversight in the late '60s by over-harvesting moose in a lot of areas after the moose population had maxed out and started to decline. And we started the moose population to decline by heavy hunting in the late '60s. That was followed by winters of '71 through about '74 that were tremendously harsh winters on the Kenai. We recorded, at least to the best of our ability at that time, zero calf survival for about three years in a row. That, coupled with the depleted habitat, because of over-utilization, and in addition to that heavy harvest continued during the early '70s, both bulls and cows, and the population by about 1975, '76 was probably half of what it was in the mid-'60s, probably close to seven or 8,000. The population has fluctuated about that number since that time. So the last 20 or so years it probably hasn't changed greatly. The only thing that we do know on the Kenai that we can -- that we can depend on is habitat maturation and a slowly declining moose population because of the forest maturing.

44

45 MR. EWAN: Okay. Thank you. Any other questions or comments? Thank you very much. All right. We're down to the Unit 7. We're going to go to the first item. I believe, for your information, how the process should work, if you agree, is that we vote on Unit 7 species by specie, committee by

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committee. In your packet you have -- this page I'm looking at right here, we use it as a guide. Pardon?

3

4 MR. OSKOLKOFF: Can we take a short break, five minutes
5- take a five minute break?

6

7 MR. EWAN: Okay. There's a request for a five-minute
8 break. Is there any objection? If not, a five-minute recess.

9

10 MR. OSKOLKOFF: Thank you.

11

12 (Off record)

13 (On record)

14

15 MR. EWAN: I'll call the meeting back to order. If
16 everybody will take their seat. We are on the agenda item of
17 Council review of the federal actions and recommendations on
18 customary and traditional use eligibility determinations for a
19 Kenai Peninsula Rural Community.

20

21 Are there any other agencies that want to make comments
22 before we start deliberations here of the Council? If not,
23 then we'll open it up. I'd like to ask the Council for a
24 process here. Do we want to go unit by unit, specie by specie?
25 Gary.

26

27 MR. OSKOLKOFF: Mr. Chairman, I would like to -- with
28 the good graces of the Chair, I would like to make a motion --
29 proposal in the form of a motion which may in fact render
30 going through the entire matrix that we have before us moot.

31

32 MR. EWAN: All right.

33

34 MR. OSKOLKOFF: Mr. Chairman, and ladies and gentlemen
35 here today, I have been giving very much thought to the
36 comments that I heard when I attended the hearings that I did
37 on the Kenai Peninsula. When I read the entire testimony that
38 was given to me from the other locations that I couldn't visit
39 at the time, and I understand the concerns that were addressed.
40 I wanted to mention first off that I was hoping, through the
41 hearing process, that we as council members would get a real
42 good education on the law, the specifics of it, and how it
43 applied or how we should apply it. Most of what I heard is,
44 unfortunately, not in our purview, we're not a legislative body
45 and we're not a judiciary. Those two groups have landed us in
46 the situation we're in today. I think it's important to say
47 here and now that I am very interested in trying to get to
48 where we're required to go as an advisory council with the
49 least amount of adverse impact on the good citizens of the

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Kenai Peninsula. And those other people who come to the Kenai Peninsula to enjoy taking a moose or in other ways enjoying our fish and game, whether it be viewing or hunting. With that I would like to try and somewhat circumvent a rather long lengthy matrix that we have before us laid out by the good staff here in which we would go unit by unit and then by species and by community and have a lengthy discussion on each. However, I don't want that misconstrued as my callousness and disregard for all the hard work this advisory council, the board, the staff -- the staffs of the other agencies and not least the people who have bothered to come and testify and write letters and make phone calls. All those are foremost in my mind. With that I would like to -- well, let me add one more thing. In my mind we have spent a couple of years here, essentially, digesting this data that we have before us. I think we have spent probably more time with it, even the board has, and I think we have a very good grasp of some of the concerns. However, there has been a great deal of question brought up, essentially in the last month during the -- from the testimony that was given at the hearings that were presented, and in reference to that I would like to try and pare down in some respects what the proposal of the advisory council is; that's part of my motion.

24

25 And with that I think it's necessary, and I am going to propose that we go with a proposal that has been made, which is essentially run the process, which has been through the advisory council, which has in fact been to the court and back to the advisory council, and try and stay in that light. I don't want to stray from that so far that we are creating a whole new process. That I'm extremely worried about, and I would ask the Board to consider that in their deliberations tomorrow.

34

35 With that I would move that we have a C & T determination for all of Unit 15 -- let me make sure I'm not speaking out of turn here -- for moose for Nanwalek, Port Graham, Seldovia, and Ninilchik, and that we have a -- continue with the moose hunting season proposal which was produced before, which is outlined in your paper, which would essentially give a moose hunt to -- in the case of Ninilchik, for all of Unit 15(A) for one bull -- one antlered bull without spike-fork 50 restriction. In the case of -- let's start with, I guess, Seldovia -- Seldovia would have moose available Unit 15(A) (B) and (C). Nanwalek would be then in Units -- sub-Units 15(B) and 15(C). Port Graham would be under Units 47 or sub-Units 15(B) and 15(C).

48

49 As I stated before, I make that proposal in mind that
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there are probably going to be lawsuits from various parties. Essentially this is going to be a -- for lack of a better term, and I wish there was a better term, test case, particularly with regard to Ninilchik and possibly Seldovia, and that we expect that there may be some

6
7 MR. EWAN: Gary, could we comment about the impact of
8 the motion -- could we be clear about the motion, then have a
9 second?

10
11 MR. OSKOLKOFF: Okay.

12
13 MR. EWAN: Would you repeat your motion one more --
14 just so I'm clear, you're making a motion to determine C & T
15 for moose for each community, Nanwalek, Port Graham, Seldovia,
16 and Ninilchik?

17
18 MR. OSKOLKOFF: Yes.

19 MR. EWAN: You also are going to have a special moose
20 hunt?

21
22 MR. OSKOLKOFF: Yes.

23
24 MR. EWAN: Of one bull with no restrictions, and then
25 Ninilchik?

26
27 MR. OSKOLKOFF: As proposed for those that have C & T
28 termination.

29
30 MR. EWAN: As proposed previously, yeah. And you also
31 designate the location for the eligibility?

32
33 MR. OSKOLKOFF: Yes.

34
35 MR. EWAN: But you left out Ninilchik.

36
37 MR. OSKOLKOFF: No, Ninilchik was the first one I -- at
38 Unit 15(A), (B), and (C).

39
40 MR. OSKOLKOFF: Oh, okay. I got mixed up. I just
41 wanted to be clear. Okay. Is there a second?

42
43 MR. JOHN: I'll second it.

44
45 MR. EWAN: There's a motion and a second.

46
47 MR. OSKOLKOFF: I'll defer discussion on my part, too,
48 to anyone else who has a question.

49
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1 MR. EWAN: Any comments, any discussion on the motion?

2

3 MR. ROMIG: Yeah, Mr. Chairman.

4

5 MR. EWAN: Ben.

6

7 MR. ROMIG: Well, we aren't in the public comment and
8 the concern I do have on the Kenai in particular, I'd probably
9 have to vote against this motion. I'm inclined to think that
10 at this point in time Port Graham and Nanwalek do meet the
11 criteria and I'd like to see the other areas maybe
12 considered. But at this point in time I couldn't see
13 supporting something like this.

14

15 MR. EWAN: Any other comments or questions? Lee.

16

17 MR. BASNAR: Mr. Chairman, I can't support this motion
18 stated. As a group of people who have been appointed to
19 represent a large number of Alaskans in Southcentral Alaska, I
20 can't ignore the preponderance of testimony that was received
21 by the people who are directly impacted by this proposal, and
22 that's the people on the Kenai Peninsula. I guess in excess of
23 2000 people in either the form of testimony by letter or
24 verbally or by signing petitions have expressed a great
25 opposition to what we've proposed. In looking back over the
26 history of what we've done, we've all made mistakes; we, the
27 Council, me as a Council member, the staff, but nobody set out
28 to make a deliberate mistake. It's a learning process that
29 we're going through, and as the process evolves, we will mature
30 the process and hopefully we will eventually come to
31 something that people can live and work with. So I would hope
32 that the people on the Kenai don't think that we have
33 deliberately set out to sabotage their seasons or their customs
34 and traditions. That's not the case.

35

36 I think that our proposal denies this -- particularly
37 speaking specifically of the moose proposal, this denies a
38 lot of Alaskans or will deny in the future a lot of Alaskans
39 the opportunity to hunt on the Kenai moose range or the -- now
40 it's called the wildlife refuge. And so that's a distinct and
41 definite denial. I can't do that. I can't support that. We
42 have to remember that ANILCA definitely includes Natives and
43 Non-Natives in the subsistence preference. We all have to
44 realize that we have to operate under the law. We're not going
45 to go against the law. The law is ANILCA. We may not like the
46 law, but we the Council members are forced to work within the
47 parameters established by ANILCA. If the public doesn't like
48 ANILCA, talk to our congressional delegation and get them to
49 surface the issue with the Congress of the United States. They

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are the only people that can change the law. We can't do that.

2

3 We are looking at Ninilchik, in particular, because it
 4 has some specific circumstances that need to be addressed. We
 5 have the Ninilchik Tribal Council. When we address the tribal
 6 council as the Fish & Wildlife Service has done in their
 7 comments to us, a written letter, and specifically try to give
 8 the tribal council a 10 moose special hunt, then we're talking
 9 racial preference, and I can't support that. That's not part
 10 of the motion before us, but part of the background, and I want
 11 the public and the Council to know where my reasoning comes
 12 from.

13

14 So if more than 50 percent of the people in Ninilchik
 15 are newcomers, and more than 50 percent of them apparently
 16 don't want to be included in a subsistence preference hunt, I
 17 have to include Ninilchik. I also have to do the same thing
 18 for Seldovia. However, in looking at Port Graham and Nanwalek,
 19 the data that I've been gathered -- been able to gather and the
 20 testimony that I read indicates that these people do have a
 21 very high dependence upon the resource, and a long and
 22 customary and traditional use of that resource. So, I can
 23 support including Port Graham and Seldovia -- and I'm doing it
 24 as a community. I don't know what the racial composition is in
 25 those two communities. I suspect it's strongly Native. But
 26 that doesn't matter. I'm not applying a racial criteria when I
 27 support given them subsistence preference.

28

29 This moose season on the Kenai just really disturbs me
 30 because I like what the State has done, I like the way the
 31 State has brought that moose herd back in huntable numbers.
 32 I'm afraid if we give a preference to people rather than
 33 continue the present practice that we're going to hurt that
 34 resource, and when we hurt the resource over the long-term, we
 35 hurt the subsistence user. And as the subsistence user gets
 36 hurt, of course we instantly are required by ANILCA to cut-off
 37 all sport hunting. And then we have a subsistence preference
 38 and we have a herd that's much smaller. I don't like the cycle
 39 that I see that could happen as a result of that.

40

41 So we have a designated hunter program if the people in
 42 Ninilchik, Seldovia, other communities are unable to go out and
 43 hunt for themselves. They can designate a hunter to go and
 44 take the game. If they're starving, get the younger people, if
 45 they're too elderly, they can't go out and get them themselves,
 46 the younger people can go out and hunt for them without a
 47 special subsistence preference.

48

49 So I'm having a hard time with this motion as it's been
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proposed, therefore, I would move to amend the motion. I move
to delete Ninilchik and Seldovia from the motion and I move to
delete the special 10-day early subsistence moose season from
the motion.

5

6 MR. EWAN: Is there a second to the motion?

7

8 MR. ROMIG: Yeah, I'll second it.

9

10 MR. EWAN: There's a second. Discussion on the motion,
comments? Go ahead.

12

13 MR. OSKOLKOFF: Mr. Chairman, if I could make some,
just some brief comments since I've probably spoken too long as
is. I think that in hearing the testimony that I have
previous to this day and this day and hearing the expert
testimony of our various agency staffs, I have not been greatly
swayed to change my position on the overall C&T determinations
and the findings that we had come out of this committee at the
last meeting. However, I'm trying to come to some middle
ground and trying to get more information. Information that
will help me and the other members make a more informed choice.
I think that what is being spoken to often is a matter of
agree. In the case of Nanwalek and Port Graham, for instance,
there seems to be no one who would assert that they are totally
dependent. There seems to be more of an understanding that
they are -- have a majority of people who depend on that and I
have not necessarily seen evidence that would convince me
absolutely one way or another other than the evidence that I
have gathered in my long relationship with many of the people
of the four communities of which I have proposed a C&T
determination in a moose hunt.

33

34 I think that the question becomes, how are you inclined
to give deference and to what degree do you see things and how
do you prioritize the criteria by which you're judging each one
of these groups. And I tend to be one who, when there is a
question of right and wrong, I tend to try to be inclusive
rather than exclusive. And I should apologize to anyone else
on the Advisory Council, I'm not meaning to say that other
people are being exclusive. But I try and find a way that
those most greatly affected can participate in the arena that
seems to effect them most, and in this case we're talking about
subsistence. When we do that, we have been talking in mainly
terms of sustenance. And I think that we're confusing those
two terms. And I know during some of the testimony that I've
heard those terms kind of just juxtaposed here and there. But
I think that subsistence, even for a non-Native individual in
these areas, in my opinion, is more than just sustenance and it

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has a much deeper meaning than that. We have not explored those other areas as much as we have two areas; one is economics and one is sustenance. And maybe because I am right there, smack dab in the middle of this, I have -- I am privy to a little more information regarding those other components. Those certainly aren't the absolute weighing factors, but I think they tend to tip the scale. And for that reason, I am going to vote against the amendment.

9

10 MR. EWAN: Any other comment or questions on the amendment?

12

13 MR. JOHN: I'd like to say I believe the intent of ANILCA is to preserve traditional and cultural for the Native people of Alaska. And this ANILCA takes in non-Native in the rural and coming from a village that's almost 99 percent Native on the highway system, I have lived a cultural and a traditional lifestyle and I love that way of life. I still work, I got a good job, but I believe in the way I live. I think it should be preserved. I think it's a beautiful lifestyle. A lot of the non-Native that come into my village, they love it, they fall in love with it. And like Gary said, to us, it's just not moose and it's just not caribou, it goes deeper than that. It goes into the way we live, the way we think, the way we share, the way we welcome the non-Native in our area. It goes deep into the heart. And if it's going to have to take -- we're going to have to take in the non-Native and preference like the law says, I'm going to vote with Gary on this.

30

31 And to me subsistence, I heard a lot of testimony and I read -- somebody this morning said, we haven't looked through these things, I went through all the testimony, all the paper that came in, I went through it thoroughly. I went through it last night, I went through it the last three days in a row. I think my wife over was getting tired of me reading and talking about subsistence and sleeping subsistence, but that's my lifestyle. Anyway, to me subsistence is a kind of funny word to use because it's kind of like a give away or welfare and it's not that to me. It's something, it's a life, it's a way of life for me. So I just want to put it at that. Thank you.

42

43 MR. EWAN: All right. We're still on the amendment.

45

46 MR. BASNAR: I didn't mention Hope and Cooper Landing and Whittier in the amendment, nor was it mentioned in the motion. But I think it's just important to get on the record and for the public that, at least, from my prospective, the

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testimony of the people that actually live in those communities, they didn't want subsistence preference. And the people that don't live in those communities didn't want them to have subsistence preference, so therefore, they were dropped consciously by Gary out of the motion and I did not address it in my amendment.

7

8 But to get back to the original question here, is the amendment -- I have no further comments.

10

11 MR. EWAN: On comments, it makes it difficult to be Chairman in a situation like this. I would like to have seen probably a different motion, but this is how it's coming out. I would like to have seen maybe communities included in the initial motion, then amended to add Ninilchik and other communities and then vote those up and down would have been a lot easier from a process standpoint from my point of view.

18 But we're here considering a motion and an amendment to that motion. The amendment is, as you all know, to take out Ninilchik, delete the special hunt and that is what is being considered right now.

22

23 But what concerns me about the whole demotion of deleting a community is the precedent that it would set for other regions, especially when they come to Glenallen, Copper River Basin. Copper River Basin is an area that is growing, some day it will be like the Kenai area and we'll probably face the same kind of problem that the Kenai Peninsula is facing. Do we look out for the little guy or do we look out for the big people, the people that are sports hunters and all those people that have made so many comments and all that, that's what concerns me. I'm going to have to vote against this amendment. I think unless some kind of compromise can be reached here. And I don't know, that's up to the Council. I hate to just vote things up and down and then we have disagreement and maybe hard feelings here at the Council level.

37

38 The other concern I have is regardless of what we do here today, will the Federal Board go along with it. That's another concern I have. And if it's okay with, Council, maybe we could have, if Dave Allen is still around, maybe comment on 42 is that all right with you?

43

44 MR. EWAN: Yes, go ahead.

45

46 MR. OSKOLKOFF: If I could make a quick comment with regard to Hope, Cooper Landing and Whittier. It wasn't my attention to slight these communities, but I haven't had, in my opinion, adequate research on how the communities would feel,

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in general. The only way that I have perceiving this is through the written testimony and then my attendance at the Cooper Landing hearing, but it seemed to me that there were a lot of questions raised there, in particular, to those communities. And I intend, as I do with the customary and traditional use findings for the other animals and the other communities, I intend for those not to be voted down. I intend, by us not addressing them at this time, that they will simply be essentially tabled and given more consideration in the future and probably addressed at the next Board meeting or as soon as can be scheduled.

12

13 MR. EWAN: Lee?

14

15 MR. BASNAR: Mr. Chairman, if we can table addressing Hope, Cooper Landing and Whittier, I would suggest we could also table addressing Ninilchik and Seldovia. I don't see much difference. I read the same paperwork that Mr. Oskolkoff read. I listened to the presentation of the spokesman from the Outdoor Coalition. I don't see why we have to move on Ninilchik and Seldovia when we don't feel compelled to move on Hope, Whittier or Cooper Landing.

23

24 MR. OSKOLKOFF: Mr. Chairman, if I could address that. I thought I had made myself clear earlier when I spoke of my involvement in the communities that are proposed in my amendment and my more intimate knowledge of those communities and, therefore, my more definite opinion and, therefore, my being able to make a determination and a distinction with regard to those communities as opposed to the other communities in question.

32

33 MR. EWAN: Go ahead. If there are no objections from the Council, I'd like to hear Dave Allen's comment on our proposals here. There's an amendment and the main motion; the main motion being that, I guess, you heard it, Dave. I don't want to go through the whole motion again. The main motion being recognizing Ninilchik, Seldovia, Nanwalek and Port Graham as C&T communities and have a special hunt in Ninilchik with no restriction. And then we further had an amendment from Mr. Basnar to delete Ninilchik from this proposal

42

43 MR. BASNAR: And Seldovia.

44

45 MR. EWAN: and Seldovia. I didn't hear you say Seldovia, but I guess you did.

47

48 MR. BASNAR: Yeah.

49

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1 MR. EWAN: Okay. And delete this special hunt. I just
want to know what you thought about the proposal.

3

4 MR. ALLEN: Thank you, Mr. Chairman, for giving me an
opportunity to speak at this time. In my original comments, I
think I made it rather clear to you that I felt there needed to
be some action taken. I expressed it in terms of some
reference to the rural tribal members of the Ninilchik tribe.
This comes very close, I think to, at least, to the basic idea
and concept that we were trying to present without any specific
way of getting there in our comments. So I will just say that
if your question -- as I understand when I left the room your
question was -- well, maybe you better restate your question.

14

15 MR. EWAN: I don't know, I didn't make the motion. The
way I understand the motion, the main motion, you're talking
about the main motion?

18

19 MR. ALLEN: Yeah. I'm referring to the main motion, I
was not referring to the amendment, correct.

21

22 MR. EWAN: All right. That's what I thought because
there's an amendment right now that we're considering which
would delete Seldovia and Ninilchik and the special hunt.
That's what we're considering now. But I'm glad you're
addressing the main motion, in the back of my mind that's -- I
like what you just said there, if you want to speak a little
farther on it, that's fine.

29

30 MR. ALLEN: I don't really think so. I think that I
would just leave my comments as they were. And just
emphasize that I indicated to you that I think it is very
important that the Council show -- give us some further
guidance, give the Board some further guidance on this issue.
This is extremely important. And I very much appreciate, I
think, your trying to do that at this time.

37

38 MR. EWAN: Thank you, very much. Any further
discussion on the amendment?

40

41 MR. OSKOLKOFF: Mr. Chairman, I'll call for the
question if you would restate the amendment.

43

44 MR. EWAN: All right. Lee, would you do -- did you
write your motion down because I didn't catch all of it
obviously?

47

48 MR. BASNAR: Okay. I move to amend the motion to
delete Seldovia and Ninilchik from C&T use and to delete the

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special moose season, the 10 day early moose season on the
Kenai Peninsula.

3

4 MR. EWAN: The question's been called for, all in favor
5 of the motion, say, aye.

6

7 (IN FAVOR - BASNAR and ROMIG)

8

9 MR. EWAN: All opposed by the same sign.

10

11 (OPPOSED - OSKOLKOFF, JOHN, EWAN)

12

13 MR. EWAN: Could we show a show of hands here on; In
14 Favor of the amendment, again, show of hands.

15

16 (IN FAVOR - BASNAR and ROMIG)

17

18 MR. EWAN: Okay. Opposed by the same sign.

19

20 (OPPOSED - OSKOLKOFF, JOHN, EWAN)

21

22 MR. EWAN: That's three to two and the motion is
23 defeated. So on the main motion, Lee?

24

25 MR. BASNAR: Mr. Chairman, are we back into the
26 discussion phase on the main motion at this point?

27

28 MR. EWAN: Yes.

29

30 MR. BASNAR: Okay. I'd also like to point out that I
31 have some background in sociology, I have a degree in
32 sociology, heaven forbid anybody would accuse me of being a
33 sociologist. I've never worked as one, but I graduated from
34 Alaska Methodist University, that's what my sheepskin said, I
35 was a sociologist. So I just don't speak of these things off
36 the top of my head, but I've watched this process evolve over
37 several years here in Alaska, and that's exactly what we're
38 involved in here is evolution. And there are different customs
39 and traditions among different groups of people and throughout
40 history, I guess, if you're a member of the minority, you're
41 not happy, but the majority does assimilate normally the
42 minority into its society.

43

44 But I haven't lived in Alaska my entire life, I was in
45 the military and moved around. And one of the assignments I
46 had, I taught at the University of Illinois in Chicago and I
47 lived in the city of Chicago, not an experience I care to
48 repeat, by the way. But I learned an awful lot about customs
49 and traditions in ethnic communities by living in Chicago. I

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happened by happenstance to end up living in the middle of a Jewish community, I'm not Jewish in case you were wondering. These people have managed to retain in this community and they welcomed us into their little community, they've retained customs and traditions, yet they live within the overall structure of the society of Chicago. Got along quite well and didn't feel deprived, they worshiped in their own way and still maintained their own customs. I suggest this is going to happen in Alaska. It's not going to happen overnight, but I suggest that eventually we are going to, by virtue of the growth and the influx -- the immigration of people from the lower 48 and other parts of the world, we're going to end up with something similar, not to Chicago, but to a society that the Native community in Alaska and I certainly enjoy the rich culture that these people provide and the diversity that they provide to Alaska, we need that, and I don't want to lose that. But we cannot indefinitely postpone the inevitable and the inevitable is we are all going to be restricted in the use of the natural resources in Alaska.

20

21 So I'm trying to look to the future a little bit. And
22 I'm not trying to deny anybody their customs and traditions.
23 But we have to wake-up to the facts, the facts are there are
24 more people that want to hunt a moose, for example on the Kenai
25 when there are moose available. When we start to restrict it
26 by virtue of race, we're going against the constitution of
27 Alaska against the constitution of the United States. I fear
28 that's what has happened with ANILCA. And I think we need to
29 address ANILCA, but that's not the purview of this Council.
30 Having said that, I hope that no one mistakes me, I'm not anti-
31 subsistence, I'm not anti-Native, I'm not anti-rural, I'm not
32 I'm for everyone having an opportunity to enjoy the
33 resource. If restrictions must be applied, that's my
34 responsibility as a member of this Council to try to determine
35 how they should be applied. That's why I proposed the
36 amendment, I lost, therefore, I cannot vote in favor of the
37 main motion. Thank you.

38

39 MR. EWAN: On the main motion, any other comments?

40

41 MR. ROMIG: Yeah, Mr. Chairman, I suppose the part that
42 you know, that the part of the main motion -- I don't know
43 what it'd be in the best interest to vote for anything under
44 that -- you know, presuming that the Board did the right thing
45 the first place and that's when they, you know, they added
46 the antler restriction to it. I don't like to send them back
47 something, you know, contrary to what they thought. But for
48 the purposes of conservation and I really believe that the
49 antler restriction is an important thing in Kenai. And as the

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motion is proposed, I would still have to vote against it.

2

3 MR. EWAN: Thank you, Ben. You have a comment?

4

5 MR. OSKOLKOFF: Mr. Chairman, if I could just speak to
 6 what was said by the last two members of the Advisory Council.
 7 First I wanted to state that -- or restate, I guess I've
 8 stated it somewhat already that it's not my intention to limit
 9 sport hunting on the wildlife refuge or be a detriment to it in
 10 any way. My hope is that by doing on a relatively limited
 11 basis we could avoid that while still being able to gather
 12 further research. And that's why I did not include the antler
 13 restriction on the grounds that plain and simple, it's an
 14 antler restriction. It is a restriction, and I think would be
 15 viewed by the courts as such and, therefore, would leave a huge
 16 opening for anyone who wanted to make a case that there is a
 17 restriction on the subsistence, hunting on the refuge,
 18 therefore, the refuge has to be closed to others. I want to
 19 avoid that issue altogether.

20

21 Secondly, in regard to Mr. Basnar comments, I just
 22 wanted to say that this is not a racial issue. This is not a
 23 tribal issue or a tribal government issue on those hands. But
 24 you have to understand that one's upbringing gives one
 25 different insights and different way of approaching situations
 26 and I think that is some of what you see before you. But I
 27 have to state, absolutely, with the inclusion of the two
 28 gentlemen who are not here today who served on the Advisory
 29 Council during my tenure, these people have worked very hard,
 30 have quarreled somewhat in a most gentlemanly manner to try and
 31 come to some truth and some logic out of something that I think
 32 no one has said we absolutely agree with on any side of the
 33 table. And I just wanted to go on record as saying that if
 34 there's anyone out there who believes that these people didn't
 35 have the best wishes of all Alaska people in mind, Native and
 36 non-Native, that if they can't believe that there's something
 37 else going on there. But I can categorically state, without
 38 exception, that everyone has taken their lumps, made their best
 39 effort to make sure that this was as fair as possible. I'm
 40 reluctant even to back off of the original proposal that was
 41 made, but I'm doing that in deference to the people. The
 42 people who have spoken. I don't believe that is the voice of
 43 the entire population. I think what we're talking about here
 44 are two maybe extremes on the bell curve and that the bulk of
 45 the population, perhaps, hasn't weighed in on this. But I
 46 think we're going to give them that chance on the remainder of
 47 these issues and certainly on the issues, even as proposed in
 48 this C&T determination and this hunt. That is, we could very
 49 well hear a proposal for this Advisory Council which would hope

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to delete those throughout the next year.

2

3 So this is still -- this is not something that's going
to settle, I'm sure we're all aware of that. But I did want to
let people know how hard and how diligently those here have
worked on it, whether this motion is voted up or down. With
that, I have to state that I am, of course, as the maker of the
motion very much in belief that this is the appropriate motion
and will vote for it.

10

11 MR. EWAN: Lee, did you have additional comments? Go
ahead.

13

14 MR. BASNAR: I'd like to address the moose hunt
particularly. I don't feel based on the testimony and the
evidence that I've heard and read that there was a requirement
to select a select few people to go out and hunt 10 days early.
I don't really see a problem in people successfully hunting
moose on the Kenai Peninsula if they get out there and actually
do it. You can't road hunt; you can't go out on a weekend and
hope to get your moose and probably that was not true back in
original times. But with good substantial effort it appears
to me that anybody that needs moose meat can get some. I'm not
talking about road kill, I'm talking about a good old
additional hunt. And I just wonder why we have to single out
a small group of people for this special preference. Is it
because they are not capable of hunting in competition with
other hunters? I don't know the answer to that, but that's why
I'm in opposition to this special moose hunt, having heard all
the testimony.

31

32 Prior to this in our meetings I hadn't received this
much data and testimony and, therefore, I said it sounds like a
good idea. But I'm not so proud that what I can change my mind
and I have done just that.

36

37 MR. EWAN: All right. I agree with Lee, we didn't get
as much data as we have today.

39

40 I just want to speak in favor of the motion. I said
earlier, I'll repeat it again, I hate to start setting
precedents of eliminating communities that we are not
completely certain are assimilated, as you say. And speaking
about assimilation I'd like to say that in my mind when you
assimilate people -- races -- we talked a little bit earlier
about race.

47

48 We're talking about equal opportunity across the board.
In this state I've seen people argue against subsistence that

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come from New York, name it, everywhere, California, taking jobs of Alaska -- in Alaska, so few jobs for Native people. If you give jobs in fish and game and everywhere equally as you do to your own people then I would say, yeah, we're assimilated, but as it is we're at a disadvantage, rural people are at a disadvantage and those are the people I'd like to be concerned about. I'm in favor of this motion.

8

9 MR. OSKOLKOFF: Mr. Chairman, I'll call for the question.

11

12 MR. EWAN: Question is called for. All in favor of the motions say aye.

14

15 MR. OSKOLKOFF: Aye.

16 MR. EWAN: Aye.

17

18 MR. JOHN: Aye.

19

20 MR. EWAN: Opposed by same sign.

21

22 MR. BASNAR: Aye.

23

24 MR. ROMIG: Aye.

25

26 MR. EWAN: I guess we'll have to go -- did you say aye, Fred?

28

29 MR. JOHN: Yeah.

30

31 MR. EWAN: All right, motion is carried.

32

33 Do you want to go down to -- there are other communities that we just haven't considered. We didn't mention Hope and other communities. Gary, do you want to address those?

37

38 MR. OSKOLKOFF: If somebody wants to make the motion, otherwise I -- I wouldn't feel comfortable making the motion.

40

41 MR. EWAN: Where are we? Do we want to go down the line here?

43

44 MR. OSKOLKOFF: It's essentially taken care of. Yeah, we're down to G, I believe, unless Helga had something else.

46

47 MS. EAKON: First of all, I would inform that we do have the room until 4:30, if you want to break for lunch and then reconvene or if you want to press on and continue the

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meeting, it's up to you.

2

3 Item F-2, the staff was going to have presentations on
 4 the moose hunt proposal, but I guess that's obviated now that
 5 you have voted on it, so you can skip that portion and move on
 6 to Item H.

7

8 MR. EWAN: What's the wish of the Council?

9

10 MR. OSKOLKOFF: I would suggest that we just go ahead
 11 and press on, I believe we're pretty near the end.

12

13 MR. EWAN: All right.

14

15 MR. OSKOLKOFF: Maybe take a break first.

16

17 MR. EWAN: All right. Five minute break.

18

19 MR. OSKOLKOFF: That's good.

20

21 (Off record)

22

23 (On record)

24

25 MR. EWAN: Call the meeting back to order. The next
 26 item on our agenda is Item G, this is a special request to
 27 collect information and do we have somebody to give us some
 28 information on wildlife on Kenai Peninsula?

29

30 MS. EAKON: If Gary could articulate the motion.
 31 Someone from the Kenai Peninsula is prepared to respond to
 32 that.

33

34 MR. OSKOLKOFF: Oh. Well, actually my original concern
 35 evolved around A) how the system worked and I think I've been
 36 given some background on that, but B) how we anticipate the
 37 information, especially in light of the motion which has just
 38 been passed. How we anticipate the information being
 39 collected, basically the process it's going to go through and
 40 what we can expect to gain from this over the next year.

41

42 MR. EWAN: Is there somebody here that's going to
 43 apply some input here, Helga?

44

45 MS. EAKON: Mark Chase of the Kenai National Wildlife
 46 Refuge was going to respond first. We'll ask Steve Kovach,
 47 wildlife biologist for the program.

48

49 MR. KOVACH: Nothing like being put on the spot. Gary,

50

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1 if you could, please, repeat your query, because I was
 2 partially outside and only heard a piece of it?

3
 4 MR. OSKOLKOFF: I'll be glad to. I think I have to
 5 change my question a little bit from what I originally asked of
 6 Helga and state that in view of the motion which has been
 7 passed and the possibility of the Board passing a similar --
 8 the proposal through; what steps will be taken to guarantee us
 9 some specific feedback from this hunt so that we'll have
 10 something more to chew on can extrapolate some more facts of
 11 it, perhaps, next fall?

12
 13 MR. KOVACH: You talking about the moose hunt
 14 specifically?

15
 16 MR. OSKOLKOFF: In particular since, I guess, that's
 17 the only thing that's on the table at this point. I'd like to
 18 address it to that.

19
 20 MR. KOVACH: Okay. For all moose hunts, both the
 21 Federal Subsistence Program and Fish & Game share harvesting
 22 information back and forth. In particularly in addressing the
 23 proposal that the Council went and forwarded to the Board on
 24 their proposed rule making, we were working very closely with
 25 Fish & Game and looking at the harvest ticket returns and
 26 trying to get an idea of what the fall '94 harvest was.

27
 28 It takes quite a while for those harvest tickets to
 29 come in, people forget to mail in the report card, they get
 30 reminder letters sometime in the wintertime. Like, oh yeah, I
 31 got to send that in, so things kind of dribble in throughout
 32 the winter and into the springtime actually. So it takes quite
 33 a while to really find out what the harvest was and, you know,
 34 where people went and how much time they spent and all this
 35 stuff.

36
 37 But we've got that information from the fall of '94
 38 now. Just talking with Ted Spraker, he thinks he's got all the
 39 cards in, he's not sure, of course. What we can do is for
 40 moose specifically, is we will be tracking this hunt and we
 41 will be looking for harvest reports by residents of those
 42 communities getting C&T, assuming the Board passes the
 43 commendation, and we can look at those harvests and compare
 44 that to its historic harvest and see how things have adjusted
 45 and changed and provide you with our best analysis of what's
 46 happening to the population as far as population trend and the
 47 sex ratios of bulls to cows, things like that.

48
 49 MR. OSKOLKOFF: I just wanted to say that I think
 50

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there's been a lot of questions -- the reason for this question is simply because we, as an Advisory Council, the members here have posed many questions and it seemed to be difficult to draw the information out of the current State program essentially and I'm hoping that, perhaps, the staff could in reviewing our discussions could try and center in on those questions because they seem to be so important to the Advisory Council's deliberations and perhaps even a format change or a questionnaire that could go along to help us get the very best information so that we're not, you know, running the same questions over again, I guess, in the future, as much as is practical is what I'm requesting.

13

14 MR. KOVACH: Right. Generally when the Councils meet 15 the fall during the normal cycle of reviewing the proposed rule and creating proposal for changes to the regulations then, of course, the winter meeting, all the harvest data we generally have is a year lag time, it's a year old. So like when we go into this winter we'll have '94 harvest information, we won't have the fall of '95. That's just the way the system works unfortunately.

22

23 On this particular situation we can red flag it and try 24 track it as close as we can, but it would still be spring of next year before we could get back to the Council, saying, okay, plus or minus a few animals this is what happens basically. If we can get a heads up from the Council, if you know you want to discuss a certain species at the fall meeting, give us a call, let us know, like, hey, we'd like some more information on the status of caribou and harvest patterns of caribou or sheep or whatever. We can then pull that information out and get ready for it, if we kind of know ahead of time. The databases we deal with are rather extensive and it takes us a long time to sort through stuff.

35

36 On an average year the information we get from Fish & Game for moose, for example, is about 60,000 records annually. 38 so it takes a lot of computer time just to sort through that, 39 you can appreciate.

40

41 MR. OSKOLKOFF: Okay, thank you, I appreciate that.

42

43 MR. EWAN: All right. Is that it; answers your 44 question?

45

46 MR. OSKOLKOFF: Yes.

47

48 MR. EWAN: I'd like to go back to a previous action 49 that we took, I want to be clear on it. My understanding is

50

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that if we don't take any action on the other items on the Item
 that they will stand, is that the understanding of the
 Council members? In other words we made a motion before that
 approved certain communities for various species and other
 communities for C&T determination, but we only mentioned four
 communities, we didn't mention the other communities. I'm
 wondering if we dealt with the whole issue of all the
 communities and all the species?

9

10 MR. OSKOLKOFF: Mr. Chairman, I tried to make it clear
 and perhaps I wasn't able to do that, but that we were working
 on the assumption that all other C&T determinations on all
 other community essentially C&T determinations and any other
 hunts that was proposed for those communities were to be
 tabled. That was my intent on making the motion. I, maybe,
 did not make that clear at the time.

17

18 MR. EWAN: Should we make it a motion for the record?
 19e.

20

21 MR. BASNAR: Mr. Chairman, I think it's essential we
 make a motion and clear this up. If I were the Board and I
 received this motion that was passed this morning and no
 comment on the rest of the recommendations that we made prior
 to the last Board meeting, as a Board member I would assume
 that this Council still went along with the original
 recommendation which was made. So, therefore, we need to clean
 this up. And I'll do that in form of a motion, if I may?

29

30 MR. EWAN: All right.

31

32 MR. BASNAR: I move we table any consideration of C&T
 use for any other species and any other communities on the
 Kenai Peninsula in Units 7 and 15 until a meeting to be
 determined.

36

37 MR. EWAN: Is there a second?

38

39 MR. ROMIG: I'll second that motion.

40

41 MR. EWAN: For clarification on the motion, that means
 any community or any species not mentioned in the previous
 motion, right?

44

45 MR. BASNAR: That's correct.

46

47 MR. EWAN: Any further discussion of the motion?

48

49 MR. OSKOLKOFF: Question.

50

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1
2 MR. EWAN: Question is called form, all those in favor
3 say aye.

4
5 IN UNISON: Aye.

6
7 MR. EWAN: Opposed by the same sign.
8 (No opposing votes)

9
10 MR. EWAN: Motion is carried.

11
12 That takes care of that. Go to item -- Council,
13 direction on Copper River Basin customary and traditional use
14 eligibility? Mr. Greenwood of the National Park Service. Do
15 we have any other comments before this? Okay.

16
17 MR. GREENWOOD: Thank you, Mr. Chair and Council. I'm
18 Bruce Greenwood from National Park Service, Subsistence
19 Division here in Anchorage.

20
21 Since I last met with you in March and gave you a
22 briefing a lot has changed in the C&T process. Likewise when
23 this agenda was put together I was going to ask you for some
24 direction on which way we were going to go with it. But I
25 think what I'll do instead is just give you an update on the
26 C&T process in general and where I see us going in Copper Basin
27 area.

28
29 First off the Board at the April meeting adopted a new
30 revised determination process. In this process there will not
31 be a schedule focusing on priority areas as in the past. All
32 the Regional Councils in the state will be allowed to and
33 encouraged to submit proposals for C&T on an annual basis
34 beginning this fall. The Regional Councils would review the
35 existing determinations and initiate proposals regarding
36 specific C&T determinations for their area of purview.

37
38 The Regional Council proposals would be compiled and
39 circulated for public review and comment in the fall; a staff
40 analysis would be completed within the winter, as we do now for
41 the Subpart D of the regulatory process; and they'll be
42 considered at the February/March Council meetings in the
43 spring. And a recommendation will be forwarded to the Board
44 for the April meeting. At the April meeting the Subsistence
45 Board will deliberate and act on the C&T determinations at that
46 time.

47
48 Now, this will happen on an annual cycle, as compared
49 the past, like you've experienced here, where the whole area
50

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has been done at once and reviewed at once, this will allow the Councils to submit -- to go through and review the determination, go over the priority list and submit those that are of highest priority first and so forth.

5
6 And the advantage of this would be, one, all the Councils in the state would then be up to -- or encouraged to submit proposals on a yearly basis.

9
10 So in response to this it kind of changed the direction for Copper Basin and what we see doing there is we'd like to work at your pace in reviewing, initiating changes and developing proposals for the Southcentral Region. Two, we'd like to provide the necessary staff support and assist you in developing your recommendations for this area. And three, my intent is to organize the data in a manner that is easily understood and used.

18
19 Did you have any questions?

20
21 MR. EWAN: Any comments or questions? Everybody clear about what Mr. Greenwood is talking about?

23
24 Fred.

25
26 MR. JOHN: I'm not really clear on this.

27
28 MR. GREENWOOD: I'll give a quick summary then.

29
30 MR. JOHN: Okay.

31
32 MR. GREENWOOD: Beginning this year the Regional Councils will review the existing C&T determinations; that can happen different ways; through input from local villages and communities. At that time you will take the C&T determinations that you feel need to be changed or amended and submit an actual proposal to change that particular determination. And that will go out, as we do for the -- what we call the Subpart D process and the season and harvest limit. It'll go out for public review and comment; we'll prepare staff analysis; and then during your winter meeting the Council will go through each one of those and make a recommendation on that particular C&T proposal to change the regulation to the Subsistence Board. And the Subsistence Board, next spring, will then deliberate and act on that particular recommendation.

46
47 MR. JOHN: So there's no Council action on this, it's just information then?

49
50

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1 MR. GREENWOOD: Today there's no Council action, it's
2 just information, an update on where we are with the Copper
3 Basin C&T project.

4

5 MR. JOHN: Okay.

6

7 MR. EWAN: What you're saying is statewide will go
8 region by region, something like that? To allow a year for the
9 process pretty much?

10

11 MR. GREENWOOD: What this will allow each Regional
12 Council in the state will be encouraged and they will have the
13 opportunity to submit proposals to change the C&T regulations,
14 which is different from now. The way it's been now is that
15 there's been a priority area set in the state, for example, the
16 Southcentral Regional Council was specifically working on
17 Kenai; Copper Basin was the next -- was another region that
18 our (ph) Council would work on; Eastern Interior Council was
19 working on Upper Tanana. The rest of the regions in the state
20 had to wait until their area came up as a priority before they
21 could submit any changes or have a C&T determination for their
22 area. This will allow all the Regional Councils throughout the
23 state, beginning this fall, to submit proposals and changes to
24 the C&T determinations.

25

26 MR. EWAN: Okay. I'm not really clear on whether you
27 answered my question or not.

28

29 MR. GREENWOOD: Could you repeat your question?

30

31 MR. EWAN: Is C&T determination going to be kind of
32 region by region or are you going to take them all -- are you
33 talking about others too?

34

35 MR. GREENWOOD: The C&T determinations will be done
36 region by region. You will have specific proposals within your
37 region that you will forward to the Subsistence Board. Of
38 course, other regions in the state will also submit proposals,
39 too, for their particular region.

40

41 MR. EWAN: Okay, that was my question.

42

43 MR. GREENWOOD: Yes, it's very much like the annual
44 process we do now for the season and harvest limits.

45

46 MR. EWAN: But you mentioned kind of a year process,
47 right?

48

49 MR. GREENWOOD: Yes, this will be done on a yearly

50

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basis, therefore, we can surmise that the staff, for example, may not be able to accommodate all of your C&T proposals for Southcentral for one year, so you may be asked to prioritize the determinations that you want to be made each year and then we'll accommodate that as best we possibly can. Because we can be receiving proposals to change the C&T regulations from all regions within Alaska.

8

9 MR. EWAN: Okay. Any other questions or comments?
Thank you.

11

12 MR. GREENWOOD: Thank you.

13

14 MR. EWAN: All right. Last item on the agenda. Let me ask before we consider adjournment, are there any comments -- general comments by the Council members?

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18 MR. BASNAR: Roy.

19

20 MR. EWAN: Lee.

21

22 MR. BASNAR: Yeah, I'd like to make one. I just want the staff to know that I realize the burden of paperwork that you had to put together and get to us and I just think it's a real fine job and a lot of long hours and I appreciate it. Thank you very much. Helga, you did a good job.

27

28 MS. EAKON: Thank you.

29

30 MR. EWAN: Helga, you know, I agree with Lee.

31

32 MR. OSKOLKOFF: I concur.

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34 MS. EAKON: Thank you.

35

36 MR. EWAN: Okay. Final item is adjournment.

37

38 MR. BASNAR: Move to adjourn

39

40 MR. EWAN: Motion to adjourn, is there a second?

41

42 MR. OSKOLKOFF: Second.

43

44 MR. EWAN: Motion second. All in favor say aye.

45

46 IN UNISON: Aye.

47

48 MR. EWAN: Opposed by the same sign.

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1 (No opposing votes)

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3 MR. EWAN: Meeting adjourned.

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5 (Off record)

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(END OF PROCEEDINGS)

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UNITED STATES OF AMERICA)
) ss.
STATE OF ALASKA)

I, Rebecca Nelms, Notary Public in and for the State of Alaska and Reporter for R&R Court Reporters, Inc., do hereby certify:

THAT the foregoing pages numbered 3 through 65 contain a full, true and correct Transcript of the **SOUTH CENTRAL REGIONAL ADVISORY COUNCIL Public Meeting** taken Electronically by Joseph Kolasinski on the 12th day of July, 1995, beginning at the hour of 8:00 o'clock a.m. at the Anchorage Sheraton Hotel, Anchorage, Alaska;

THAT the transcript is a true and correct transcript requested to be transcribed and thereafter transcribed by Wanda Ventres, Laurel Evenson, Suzan Olson, and Salena Hile and to the best of their knowledge and ability;

THAT I am not an employee, attorney, or party interested in any way in this action.

DATED at Anchorage, Alaska, this 12th day of July, 1995.

Notary Public in and for Alaska
My Commission Expires: 10/10/98

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